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HISTORICAL MANUSCRIPTS COMMISSION.

REPORT

ON THE

MANUSCRIPTS

OF THE

EARL OF EGMONT.

Vol. I. Part I.

Presented to Parliament by Command of His Majesty.

O

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INTRODUCTION.

The Appendix to Report VII. of the Historical Manuscripts Commission contains a short Report upon the Earl of Egmont's MSS., giving a list of the volumes and extracts from some few of the letters. A large number of the volumes thus catalogued prove, upon examination, to be merely collected materials for the history of the Perceval family (*A Genealogical History of the House of Yvery*) published in 1742; but the collection includes the original entry-book of the Court of Castle Chamber, 1573-1620 (*see p.* lxvi below); a very fine series of original letters and papers, filling some fifty folio volumes and ranging in date from the beginning of Charles I.'s reign to the closing decade of George II.'s; nine volumes of news-letters, 1720-1733; and twelve volumes of original diaries of the first Earl of Egmont.

The present Report calendars all papers of any importance or general interest found in the nineteen folio volumes of original papers which carry the family correspondence down to the date of the Restoration of Charles II. The first of these volumes is noted as containing "bundle 2," and "bundle 1" is wanting; but fortunately the first Earl had the greater part of the 17th century letters copied into entry-books, and from the earliest of these entry-books the missing letters of "bundle 1" have been calendared.

The history of the Perceval family may be read in the *History of the House of Yvery*, but, as regards the early generations, the statements there made must be taken with considerable reservation. No diligence was lacking in the compilers, as is shown by the voluminous copies of records, rough pedigrees, notes, memoranda, letters and queries on the subject. Every known source was searched, church registers appealed to, ancient members of the family invited to certify facts within their knowledge. For the later generations of the family these methods succeeded admirably, but the deductions made from the mediæval records are often far from convincing and sometimes manifestly wrong.

There can, however, be no doubt that the first Sir Philip Percivall's* grandfather was George Percivall, Lord of Tykenham and Sydenham, in Somersetshire, the latter manor having been brought into the family by Alice Cave, heiress of her brother John, Lord of Sydenham, who married George Percivall's grandfather Thomas. George Percivall had a son Richard, and in the *House of Yvery* (and thence copied into Lodge's *Peerage*) will be found a long narrative of the early life of this Richard,—his wildness, his journeying into Spain, his introduction to the Cecils (at which point Lord Burghley and his son Robert are curiously mixed up together), his reconciliation with his father, and his appointment as Registrar of the Commission for the Wards in Ireland. This narrative is mostly taken from a certificate by Edmond Percivall of Ringwood, in Hampshire, made in 1648-9, and written entirely in his own hand (*see* p. 487 *of this Report*). He is absolutely emphatic on the main point, *i.e.* that Richard Percivall inherited Sydenham from his father George, sold it, went to Ireland, and was Sir Philip Percivall's father. And as Edmond Percivall had himself been his cousin Richard's clerk, and lived in the greatest intimacy with his relatives, his testimony on this point is conclusive, in spite of small inaccuracies in his story. The author of the *House of Yvery* says that Richard Percivall had already been in Ireland in Queen Elizabeth's time, as Commissary for Leinster, but the reference given (to the document on p. 168, below) does not verify this. *A* Percivall was made Commissary for Leinster in 1600, but his name was Christopher. Another old note amongst the Percivall papers says:

"Richard Percivall of Sydenham, county Somerset, father of Sir Philip, was barrister of Lincoln's Inn. After his travels into Spain and making the Spanish dictionary,† he was chosen by Lord Treasurer Burley (after Earl of Salisbury and Master of the Court of Wards) to be his secretary. He served in Parliament, *temp.* James, and in the 14th of that reign was by the King and Council sent over to settle the Court of Wards in Ireland, and made registrar of the same. He sold Sydenham at his departure, and died in Dublin about 1620."

Here again, it will be observed, Lord Burghley and his son are confused together. It is doubtful whether Richard Percivall was ever in Burghley's service. His name first appears in 1594, as a "servant" of Sir Robert Cecil, and from that time letters from him are to be found scattered amongst the Cecil Papers,

* For the various spellings of the name, *see p.* lxvi below.

† *Bibliotheca Hispanica*, published in 1591.

usually in relation to lands and business matters, and dated from Cecil's house. He was no doubt an active assistant in the investigations concerning the Gunpowder Plot, and a letter of intelligence addressed to him on Nov. 7, 1605, in relation to Fawkes, is amongst the State Papers. In 1607 he was granted the reversion of an auditorship in the Court of Wards. In 1616, he was engaged in the enquiries relating to Overbury's murder, and wrote a long letter to Richard, his son by his first wife, urging him to state openly something which the young man evidently knew about the case, but scrupled to make public. "You fear," wrote the father, "that your *suppose* may be prejudicial to some living soul, so far as to make you guilty of murder. Fear you not, the law is not so unjust to condemn a man upon the bare *suppose* of another . . . Remember yourself; you have been carefully bred in the knowledge of true religion, of your duty to your Prince; let no persuasion pervert you to other . . . You have begun well, to bring your cruche of water *tanquam in communi incendio*, to the quenching of this fire, which, if it should be suffered to spread further, or be raked up in ashes, God knoweth into how great flames it might break forth . . . and therefore, for your particular, cast your care upon God and settle your conscience upon his providence." (*S.P. Dom. Jas. I., Vol.* 86, *No.* 102.) This letter has been quoted at some length, as there are no letters of Sir Philip's father amongst the family papers, and also because it tends somewhat to discredit the tradition that this son Richard took to evil courses, and was murdered at the age of eighteen. He is seen here as a member of the household of a man of position, and apparently in a place of some trust. He is urged by his father to produce certain "abstracts," which either his Master or Sir William Monson ought to deliver (this rather suggests that his master was Sir Thomas Monson), and if in consequence he should lose his place, he is not to doubt that God will provide for him; which is not the language which would be used to a scapegrace boy.

The "Commission for the Wards" in Ireland was issued in July, 1616, and Richard Percivall was made registrar, but did not go over at once, receiving a licence from the Privy Council to execute the office by deputy, on the ground that he was "now employed by the Council." As, however, his name does not

occur again in the English State Papers, he probably did not remain long in England. The statement (in the memorandum above quoted) that he was a member of Parliament in King James' time is not supported by other evidence, but *a* Richard Percivall served for Richmond, Yorkshire, in the first Parliament of that reign, and it is likely enough that Cecil's influence would be exerted on behalf of one of his own officers.

After Richard Percivall's death in 1620, his sons* Walter and Philip, in a petition to the Privy Council, stated that their father had brought them up in the understanding of the affairs of the Wards, with a purpose that they might succeed him, but that another had obtained the reversion. They now prayed for the reversion after the present holder, and also that if a Court of Wards were erected in Ireland they might have the same office in it. The Council sent Secretary Calvert to the King on the young men's behalf, and their request was granted.

There is a curious tale in the *House of Yvery* (ii. 143) that in early youth Walter Percivall had been very steady and Philip very wild, but that upon their father's death (which happened when Philip was only seventeen years of age) "a total alteration fell out in the manners of both." The family letters are given as the authority, but the present editor has failed to find anything in confirmation of the statement.

In 1624, Walter Percivall died, and Philip succeeded to the estate, which, however, had been a good deal impaired by their father, Richard Percivall, having been, as his cousin Edmond stated, "very free and generous in his hospitality, and much addicted to building and gardening." His son Philip began from the first steadily to build up the family fortunes; indeed, the authors of the *House of Yvery* mention grants of wardship to him even before he came of age, though these are not now to be found amongst his papers.

In 1624, soon after his brother's death, while acting as feodary and escheator for county Limerick, he roused the anger of Limerick Corporation, and the town clerk issued a warrant for his arrest (p. 61). Percivall afterwards obtained an apology, but this was not a solitary instance of irritation, for in the same year complaints were made in the English Privy Council of his

* By his second wife; those by his first wife having died in his lifetime.

"oppression and extortion" in the exercise of his office. (*See Cal. S.P. Ireland*, 1615-25, pp. 506, 510.) The matter was referred back to the authorities in Ireland, but there is no further notice of it, and, as the town clerk's apology is of later date, Percivall was probably exonerated.

And indeed, it may confidently be stated that although Philip Percivall was evidently what is called a good business man, lent much money on mortgages which fell in (leaving large estates in his hands), and secured for himself wardships which gave him at any rate temporary control of great sums of money, yet an exhaustive scrutiny of his business papers and correspondence has nowhere brought to light any trace of meanness, still less of dishonourableness, in his proceedings. We find no directions to his stewards to press his tenants or his debtors; on the other hand we do find, more than once, injunctions to give people time and not to be hard upon them. His largest estates in county Cork seem to have fallen to him as mortgages for money lent to Col. John Barry, the owner of Liscarrol, but although some of Barry's relatives resented this, he himself not only made no complaint, but continued a firm friend of Sir Philip, and his letters are some of the most interesting in the collection.

In 1626, Philip Percivall married Katherine, daughter of Arthur Usher, esquire, and granddaughter of Sir William Usher, clerk of the Council of Ireland. On p. 123 will be found a note, in Percivall's own hand, of the dates of his children's births, with the names of their god-parents and other details. The eldest, Judith, was born in December, 1627, and both at her christening and at that of her brother John, two years later, two of the great-grandfathers of the children were present. This fact led to the belief, quoted in the *House of Yvery*, that Philip Percivall's own grandfather, George Percivall, was then alive and in Ireland, but the two great-grandfathers were those on the wife's side, Sir William Usher and Sir Robert Newcomen.

By his marriage with Katherine Usher, Philip Percivall became connected with many prominent families in Ireland, Usher, Newcomen, Molyneux, Philips, Meredith, &c.; and his three sisters-in-law married respectively Sir Paul Davys, Sir Percy Smyth, and Sir Theophilus Jones, thus further enlarging the

family circle. His own sister Alice also married in Ireland, her husband being Richard FitzGerald, of Castle Dod, county Cork.

The papers of the years 1630-1640 chiefly relate to Philip Percivall's official and private affairs. As Clerk of the Wards and Feodary and Escheator in Munster, he had to superintend official inquisitions and private enquiries after the death of tenants of the Crown, working with the avowed intention of finding as much as possible for the King; an intention which family interests and the sympathy of local juries combined to defeat so far as they could. Thus, in sending directions to the escheator of county Cork, in 1644, concerning the enquiry after the death of Sir Valentine Brown, Percivall expressed his fear that the jury in county Kerry would "favour young Sir Valentine," and that the "opposition" in county Cork would be just as great (p. 75).

Many papers relating to the Court of Wards and cases of wardship (in most of which Percivall had a personal interest) will be found by reference to the Index, under the names of Francis Fleetwood, Connor O'Dwyre and Anne Casey. On p. 99 is a somewhat premature proposal to marry young Fleetwood to Percivall's infant daughter, or to "some other daughter whom he may hereafter have," but the plan was never carried out. It was also proposed to marry Anne Casey to Sir Philip's son Arthur, but when the time came for the betrothal, the lady declined the match.

In 1636, Percivall began to negotiate for the purchase of an estate in his native land. The manor of Burton, in Somersetshire, was chosen, and after much disputing with John Jessop, husband of one of the three co-heiresses of the manor, the bargain was concluded (pp. 84-90). Before the matter was decided, Percivall came to England with Lord Wentworth, by whom he was knighted on the eve of their departure from Ireland (pp. 85, 86). While in London, he went to Court and kissed the hands of the King and Queen, then went down into Somersetshire to "view" Burton and settle finally with Mr. Jessop, and at the end of the year returned to Ireland with the Lord Deputy. Wentworth seems to have had a very high opinion of him, for in notes inserted in some of the pedigrees he is said to have called him Sir Philip Perceive-all, and to have observed

that he "heard the hoofs of Sir Philip Percivall's horse trampling hard behind him."

In 1637, Sir Philip obtained letters patent from the King for erecting certain of his Munster estates into a manor, which he called Burton, after his newly-acquired estate in England (pp. 94, 96). A little later, he received similar letters for Liscarrol (p. 100).

The following year, he was put upon a commission for "distinguishing possessions" in Galway (p. 105, *also* 124) which proved a difficult business, the county being very great, the freeholders many, and the measurers' books extremely false. The Commission met with a good deal of opposition at first, but the committal of a few gentlemen of quality soon brought the rest to a more submissive frame of mind. During this enquiry, Sir Philip zealously defended the rights of the Irish, declaring that the measures proposed in regard to them were very hard, as lands were being taken from them on which many families could live comfortably, and where they had planted and builded very industriously. In the end, the Commissioners made "a perfect book" of the names and quantities of lands, entered each man "with addition of father and grandfather," marked every castle, church, mill, abbey, church land and college land, and "expressed the dates and effects of all purchases and mortgages" made within fourteen years past (p. 106).

The most important papers calendared in this Report are those of the time of the great Irish rebellion of 1641, concerning which there is much and interesting information given, especially in relation to the province of Munster, where most of Sir Philip's Irish estates lay, and where the chief actors on the English side were his intimate friends. It will, perhaps, be more convenient to trace Sir Philip's history first and to return to the subject of Munster afterwards, as, although he fortified his castles and was in constant communication with his friends, bailiffs and "captains," he himself was never there after the rebellion broke out.

During the early months of 1641-2, Sir Philip Percivall was in England, sent over by the Lords Justices to arrange for supplies. He landed at Chester, and there occurred the incident related by Carte (*Life of Ormonde*, i. 281) when he

defended the Earl of Ormond from the aspersions of two men, Wishart and Chappell, the former of whom he successfully accused before the House of Lords. Under date of March 3 is a letter from Lord Ormond on the subject, indignantly protesting his loyalty and declaring that so far from having encouraged the Pale lords in rebellion, he was about to go out against them, and send them such "ill-favoured love tokens," that he might perhaps persuade them that if he were of their party he dissembled it notably well and acted his part to the life, nay even to the death of those who came in his way. Of his own position Ormond wrote very despondingly:—

"My condition is extreme hard, my being this countryman by fortune, though not by birth, saves me not from the common calamity and loss wrought by this rebellion, nor do I find or desire that for that reason the bullets fly further off me than another man. . . . On the other side, my religion, faithfulness nor the hazard of my life preserves me not from the reproach and scandal daily cast upon me by those that conclude me guilty because most of my papist kindred and friends are so. . . . My present state would distract a wiser man than I shall ever be" (p. 165).

Three weeks later, the Earl wrote again to Percivall, thanking him warmly for the "extraordinary care" which had discredited the scandals against him. In this letter he alludes to the sad massacre of the English at the silver mines of Tipperary, and also mentions the uncertainty as to whether Lord Muskery were "out" or no, sincerely hoping that he was not, and with this reason for his hope:

That if he would not stir when my Lord President was at the weakest, and my Lord of Mountgarrett in Munster with a greater strength than he will get together in haste [again], certainly he is mad if he declares when the tables are turned.

The tables had not, however, turned so quickly as the Earl of Ormond believed.

In April, 1642, Sir Philip Percivall returned to Ireland as Commissary General of Victuals for the army, and at once set to work, with the utmost zeal, to carry out the duties of his place. He had already handed in a series of propositions in relation to the charges and allowances for victualling (p. 167) and another series concerning the carriage of provisions, the saving of hay and corn, and the protection of a market gardener, whose "roots and other garden stuff" would have provided many thousand men if the pillaging of the soldiers had not utterly discouraged him. (*See Report on the Ormond MSS.*, New Series, vol. i. p. 47.) Percivall had also made diligent enquiry as to the office, authority and proceedings of former Commissaries General,

which produced interesting papers from Nicholas White, a Mr. Carpenter and Sir Paul Davys (pp. 168-171).

Percivall's care for the army is especially shown in the matter of the mills of Kilmainham. These mills were employed to grind corn for the army, and were leased (on Jan. 29, 1641-2) to Sir John Temple, Master of the Rolls, "who then had the oversight of the provision of corn and other victuals" for the army, with a grant to himself of one-sixteenth of all corn ground. When Percivall was made Commissary, he objected strongly to an arrangement which deprived the army of one day's bread in every sixteen, and endeavoured to get the lease transferred to himself, for the sole use of the forces. He represented this, in Dec., 1642, to the Parliament Commissioners at Dublin (*see* Capt. Tucker's narrative, in Gilbert's ed.: *History of the Confederation*), and amongst his papers is an order of Council decreeing the transfer, which cannot have been written later than December or January, 1642-3, as it speaks to the grant to Temple in "January last." This order, however, is only a draft in Percivall's own hand, and it is very doubtful whether it was ever issued. There is no copy or mention of it amongst the State Papers, and it was not until after the receipt of a letter from the King, written at the end of May, that the Council gave the mills into Percivall's hands. He gained his end, and the army got the corn, but he raised a violent animosity in Temple's mind which was the source of much trouble in the future.

Another abuse which Sir Philip desired to reform was in relation to the military hospitals. Of these there were three, and in August, 1643, they contained only about forty patients, so that "the charge of maintaining the families of the three Masters" exceeded that of the soldiers. He suggested that the hospitals should be suspended for a while and the men nursed in their quarters, where they would be "better accommodated than in hospitals where no means are allowed" (p. 189).

At this time, in spite of his vast possessions, Percivall was in real need of ready money. Not only had his rent-roll in Ireland dwindled down to practically nothing, but he was spending large sums in assisting to keep up his castles as garrisons against the enemy, and was also advancing much of the money needed for the purchase of provisions for the army. His wife was in London, under the kind care of one of his numerous cousins,

Edmund Smyth of Annables, who wrote that Lady Percivall had sold most of her plate but was unwilling to sell all; that firing and house-rent in London were extremely dear, and that he was trying to persuade her to sell the coach-horses, as the oats for them were "very chargeable" (p. 187).

Early in 1644, Percivall prepared for another journey to England. After careful directions to his company of "firelocks" (the first of his orders being that they were "daily to frequent the parish church," p. 204), and appointing Val. Savage, a young friend who worked under him officially, to be his deputy as Clerk of the Parliament and Registrar of the Wards, he left Ireland about the end of March on a mission to the King.

In this spring of 1644, the King at Oxford was the perplexed recipient of three several sets of Commissioners from Ireland. The Confederate Roman Catholics sent delegates to offer their demands and the extreme Protestants delegates to oppose them, while the Council of State despatched Sir William Stewart, Sir Gerald Lowther, Sir Philip Percivall and Justice Donelan as representatives of their views. The demands of the Roman Catholics and the answers of the extreme Protestants have been printed by Sir John Gilbert, but the views of the middle party are here given for the first time (p. 212).

Sir Philip Percival and his co-adjutors profess astonishment that the Catholics should make bold to offer such high demands; declare the Remonstrance of Trim (in pursuance of which these demands were presented) to be fraught with errors, and as "poor pillaged men" and plain lovers of truth, proceed to answer the propositions one by one. The one thing which, above all, strikes the modern reader in this, as in nearly all the religious and controversial documents of that time, is how utterly impossible it seems to have been for the men of one creed in the least to understand the point of view of anyone who differed from them. As Laud failed to see why Scotland should not welcome the prayer book which he loved so well, as Cromwell was angrily impatient that the clergy of the English Church should wish to continue their "fooling," so—and a hundred times more so—did all parties amongst the protestors against the Church of Rome unite in apparently honest bewilderment that the members of that church should resent the laws which interfered with all that they felt most sacred and holy. "I

meddle with no man's conscience," wrote Cromwell, "but as for the mass, I will not allow that." Every one sees the fallacy in the argument of the great puritan General, but it is no greater than the fallacy in the views of men who, like Sir Philip Percivall, considered themselves good churchmen.

The first argument of the Council delegates is a clever one, bringing up the ancient penal laws against foreign jurisdictions "even in the time of Popery, when the mist of darkness was at the thickest;" but from this they pass to the "excellent and moderate laws of Queen Elizabeth" for uniformity of common prayer, the administration of the sacraments, &c. Their views come out most strongly in the answer to the 7th Proposition, in which the Irish complained of "incapacity" of purchasing lands, holding offices, building schools, &c. The delegates are all amazement and indignation. Such a statement casts "aspersions of tyranny on the State," as though the natives had not power to these things, "whereas in truth it is far different." They are as capable to purchase lands (except in certain plantations) or to hold offices as any of the English, with the trifling proviso of "conforming themselves in religion," and as to schools, there are many excellent ones [all protestant, of course] and they may build as many more as they like—provided that they be governed by protestant schoolmasters, ushers and governors. Things are just as in England. What more can they want?

As to the Court of Wards, again, the Commissioners could see no oppression to the subjects of Ireland by reason thereof. It was merely "the greatest tyranny and unsupportable oppression" which clamoured against an admirable institution, for no reason but "because so great care is taken for bringing up the youth, his Majesty's wards, in the true religion." This point is illustrated by two or three papers in this collection, where the relatives of these young Irish wards are seen struggling to keep the children in their own hands, that they may be brought up in their fathers' faith.

There is an interesting letter from Percivall to Ormond printed by Carte (*Life of Ormonde*, iii. 305) from which it is evident that no love was lost and no consultations were held between the two sets of Protestant Agents, yet the gist of their proposals was extremely similar and the tone almost equally bitter.

The royalist party was vexed, and probably surprised. Sir G. Ratcliffe wrote to Ormond on June 11, "Sir W. Stewart and Lord Chief Justice Lowther have played the fools notably . . . and Sir Philip Percivall agreed with them in all things, and had gone here for a Roundhead if your Lordship had not recommended him" (*Ibid.* 316).

It is evident that the visit to Oxford had the effect of drawing Percivall nearer to the Parliamentary party. Some time afterwards, Sir William Kingsmill—one of the Irish officers who had been drawn to the King's standard by the assurance that if the war in England were brought to an end, that in Ireland should be effectually prosecuted—certified that he and a fellow-officer went to Oxford, to learn from Sir Philip the true state of affairs, when his representations of the favour shown to the Irish, the little heed given to the Protestants' statements, and the danger of a probable peace with the rebels, so worked upon them that they quitted the King's service and returned to Ireland (p. 281).

Sir Philip remained in England, going first to his cousin Edmund Smyth's house, Annables in Hertfordshire. When the news came of Lord Inchiquin's declaration for Parliament, at the beginning of August, 1644, Percivall was sent for to London, and diligently "attended" at various committees, giving advice and assistance in regard to Irish affairs (p. 282).

His friends in Ireland kept him well supplied with news. That relating to Munster will be spoken of later. In Dublin, his chief correspondents were his brother-in-law, Sir William Usher, and his friend and deputy, Valentine Savage. Their letters contain information and comments in relation to Ormond's "fatal work" in negotiating a peace with the Irish — Savage had almost said "rebels" but dared not, a man having been "brought in a delinquent" for using the word, — in relation also to Sir Charles Coote's successes in Connaught, Lord Digby's arrival, "very bare," after losing his baggage at Sherburn (including the papers and cyphers which gave so much information to the Parliament party), Lord Glamorgan's committal and Digby's disavowal of his proceedings, rumours of royalist victories followed by more certain news of royalist defeats, the state of Dublin and the condition of the Protestants there (pp. 237–283). Meanwhile, Percivall's own affairs caused him much anxiety and trouble. He was still almost without money

(pp. 249, 250), and Sir John Temple was busily plotting against him, even, according to Val. Savage's account, trying to tempt a poor and discontented clerk in Dublin to bear false witness as to what had happened there (p. 241. *See also* pp. 280-1). In 1645 his castles fell one by one into the hands of the Irish (*see* p. xxxix below), and his English estates were, for the most part, in the power of the King's party. In 1645, too, Sir John Temple formally brought in his accusations against him, of abuses in his office of Commissary and of treachery to the Parliament by agreeing to the Cessation of 1643. Percivall replied with great ability, his defence being printed by Carte from a copy amongst the Ormonde Papers. Amongst Percivall's papers are two drafts of the document, one very rough, in his own hand, the other corrected by him. They are not dated, but Carte says that the accusations were made when Percivall "attended upon the English House of Commons in 1645 to solicit the payment of his entertainments (no part of which he had ever received) and of the sums of money which he had advanced for the public service." In November 1645, Percivall stated that Temple had not been able to "make good his undertaking," but that he himself had not yet been heard (p. 264). On p. 279 is a note of the four "objections" urged against him by Temple and his friends.

These proceedings having come to nothing, in the spring of 1646 Temple sent over to Dublin for one Thomas Hill, a baker who had supplied the army, to witness against Percivall. As a countermove, Sir Philip got certificates from two "preachers of God's word," formerly employed as deputy commissaries in Ireland, who declared that they had often heard Hill speak gratefully of Sir Philip, "but never to complain against him" (p. 315), while they themselves had always observed him to be at great charges and "in perpetual care early and late" for the army, and "by his words and actions a faithful, sincere and well-affected person to the Parliament." A committee was appointed to inquire into the matter, but does not seem to have made any report.

At the close of the year 1645, a proposal was made to send Cromwell to command in Ireland. He was then in the West, and Col. Hardress Waller had "many free and serious discourses" with him. What the Lieutenant-General had done to advance

the sending over of help was "never to be forgotten," and if he were there the work might be looked upon as done. Waller therefore proposed that they should petition to have him as their Deputy, unless it turned out that his own cousin, Sir William Waller, wished to go (p. 265). Upon this, Sir Philip Percivall interviewed Sir William, who disclaimed all desire to take the post himself, the truth being, Sir Philip suspected, that he did not believe he should get it. Sir John Evelyn had proposed Lord Lisle, but this "proceeded no further" at that time. As to Hardress Waller's friend (Cromwell) there had been a private petition penned, but for some reason it had been stayed by his own friends, and, for a time at any rate, the business was to be managed by committees, though Percivall felt convinced that, to bring the war to an end "there must be some such person appointed whose fame might induce men to raise means on fit terms, without which, little good could be expected" (p. 268).

In Ireland a more cheerful view obtained, for a few weeks later, Nicholas Loftus assured Percivall that the Irish were extremely cast down, and that the English daily obtained victories and got in many garrisons with great preys of cattle. It was hoped that there would speedily be an agreement in England, in which case the war in Ireland would "suddenly be at an end," and the negotiations with the insurgents were "like to be quite broken off" (p. 283).

These hopes were shortly dashed by the news that on March 28 the articles of the peace had actually been signed, with the proviso that they were to be confirmed if ten thousand men were sent to the King before a given date (p. 285). The letter which reports this, also gives details of the *émeute* in Dublin which is alluded to by Ormond in a letter to Glamorgan (see Gilbert, *History of the Confederation*, v. 284).

Difficulties soon arose in regard to sending the ten thousand men to England, and on April 16 the commissioners appointed to superintend their embarkation were back in Dublin, declaring that they had seen no men to send over, nor any shipping to transport them (p. 289). This difficulty disappeared with the news of the King's flight to the Scots, there being then no royalist army left for the Irish to join, and Ormond was on the point of concluding the peace when he received the King's

orders to have no further treaty with the Irish. This second hitch was removed by Digby's declaration that the orders were issued under compulsion, and on July 30 the peace was proclaimed. Unpopular as it was amongst the extreme Protestants, it was still more unpopular amongst the Nuncio's party of the Irish, and was received with tumults and riotings, most of the towns in the Irish quarters declaring that they would have no peace but Lord Herbert's, *i.e.* Glamorgan's (pp. 308, 311). The Nuncio had now "so far prevailed by the strength of his purse and countenance of the armies at his devotion" (p. 321) that he was able to elect a new Supreme Council, imprisoning most of the former one; Preston and Owen Roe united their forces, and there was every prospect that they would march straight on Dublin, which was in such evil case that it was not believed it could hold out for more than a day or two (pp. 311, 321). On September 16, Sir William Usher sent Percivall a short account of Ormond's abortive visit to Kilkenny and hurried return (p. 317) and expressed his great alarm concerning Dublin, both from its weakness and its consequence, as being the seat of the State and the depository of the King's Records.

It was, in fact, becoming evident that Dublin could no longer be held for the King, and must be either given up to the Parliament or yielded to the Irish (*see* Inchiquin's letter, p. 321). Of two evils, Ormond chose that which he thought the less. There was much hope at this time that the King and Parliament would shortly come to terms, in which case Dublin would naturally pass back from Parliament to the crown; while its surrender to the insurgents might almost involve the loss of Ireland. He therefore sent commissioners to London with proposals, and, while expresssng his willingness to continue in his command, he offered to resign his patents if Parliament thought good. The House of Commons decidedly did think it good, for Ormond was far too strong a royalist to be trusted by the Parliament party. The extreme peril of Dublin was hardly understood in England; some said there could be no great danger so late in the season; others that it was all a plot of Ormond's own (p. 324).

When Parliament sent commissioners to Dublin to treat with the Lord Lieutenant, Percivall, better acquainted than most

people with both sides of the case, urged Lady Ormond to use her influence with "those concerned" to accept the offered terms; being confident that if her husband resigned his post, "necessity" would be held a complete justification, and that it would be better for him to part, on honourable terms, with a place so full of expense and vexation, than to try to retain it when those who employed him would certainly not trust him (p. 325).

But Ormond did not consider the offered terms honourable at all. The commissioners brought no answers to his propositions, were willing to agree to no terms for the church clergy, officers, or loyal Roman Catholics, and would neither allow him to write to the King for permission to resign the sword, nor approach his Majesty themselves on the subject. And it was feared that if their troops were allowed to land, they would simply seize the city, and all chance of negotiation would be at an end.

On November 21, Val. Savage, who did not like Ormond, gave his view of the situation :—

"This is in haste to let you understand that we are all like to perish here, for that my Lord Lieutenant and these Commissioners cannot agree, for that he denies to part from the sword without his Majesty's licence, and for excuse of his former proposition says we were all in great fear, for that the enemy was then advancing, and that his Majesty would be better content he should deliver it to the English than the Irish, one of which must of necessity then have been; which necessity is since removed, says he, by the rebels marching away from us, which was since these soldiers were in the harbour" (p. 334).

Savage believed, however, that Ormond's more resolute attitude was due to other causes, noting as significant the fact that some of the extreme royalist party, Lord Byron, Col. Vane and others, had lately arrived in Ireland, and that there were rumours about of some "new blind peace" (pp. 334, 335. *See also* letters from John Davies, the Commissary, p. 352, and Sir Patrick Wemys, p. 341). Sir Maurice Eustace wrote on the same subject to Davies, but while regretting the failure of the negotiations, he stated that the Council, whose advice Lord Ormond "took along with him in the whole course of the treaty," were unanimously agreed that the Lord Lieutenant could not give up the sword without warrant from the King, and also that further assurances were needed for the security of the subject. Davies, who was a very strong puritan, sent the letter on to Percivall with the comment that he conceived the writer to be false, and should have no more to do with him. For one thing, Sir Maurice believed, as he was credibly given to understand,

"that none of worth or ability doth preach in London" (p. 336). On quite other grounds, Davies was not sorry that Dublin had not been given up to the Parliament forces, for he foresaw much difficulty in maintaining them there, and they were urgently needed in the North, to which they were now being transported.

Another urgent need in Ulster was a commander-in-chief. Davies wished for Monck, then a prisoner in the Tower, as, though a royalist, he was believed to be "counselable" (p. 339). In this same letter, he warns his friends not to write any more to the Lord Lieutenant and Council, or "hereafter give Ormond the title, in writing or discourse." On the last of November, the Commissioners, with the supplies and troops brought for Dublin, landed in Ulster, after a "most bitter storm," in which many were cast away. The soldiers were not received with enthusiasm by the Scots forces there, who "upon no terms" would have them at Belfast, and there was much difficulty in quartering them. More unruly than any former troops sent to Ireland, they showed signs of mutiny almost as soon as they were landed, demanding beef, butter, cheese, pease, and wheaten bread, things "difficult to manage anywhere and especially there."

The forces already in the province were without clothes, victuals, shoes, money and horses; out of twelve score thousand pounds provided by Parliament since Ormond became Lord Lieutenant, Ulster and Connaught together had only had twenty thousand, inclusive of everything, and matters were made worse by the quarrelling of the English amongst themselves. Belfast was rich in nothing but factions and divisions, and as to the new troops, ten thousand of the old ones were easier to do with than five hundred of these (pp. 341, 365, 366). There were now three separate Parliament "armies" in Ulster; the Scots under Munro, the "British" with no commander-in-chief at all, and what were known as the "Laggan forces," under Sir Charles Coote, President of Connaught. It was found by no means an easy matter to get these three different bodies to work in anything like harmony.

In February 1646-7, Sir Philip Percivall was chosen as one of the agents of the Ulster forces in London. It had been objected that as his estates lay in Munster and Leinster, he would "little mind Ulster," but his friends guaranteed his faithful discharge of the trust (p. 359). The allowance for charges was only a mark

a day, but as it was thought that the appointment would give Percivall "power of contributing to the advancement of the general affairs of the two kingdoms," and might be a stepping-stone to other things, he was advised to accept it (pp. 364, 365).

Lord Ormond had spent the closing weeks of 1646 in Westmeath, subsisting his army as best he might, and waiting for the assembly of the New Supreme Council. This took place early in the new year, and a resolution was speedily passed there, throwing over altogether the treaty with the English. Dublin and the neighbouring garrisons were in worse plight than ever (see Carte's description, *Life* i. 599), and Ormond had no resource but again to approach Parliament. He sent Lieutenant Lee with letters to the Commissioners, and it was believed in London that his offers would be accepted, although many protested against the favourable terms to be given to Ormond himself, and declared that it were better for Dublin to be lost than for him to escape unpunished (p. 363).

During the year 1647, Sir Philip Percivall wrote a series of interesting letters to Lord Inchiquin, partly in cypher. They are chiefly in relation to Inchiquin himself and the affairs of Munster, but there are a good many references to the struggle between the Army and the Parliament and to Percivall's own affairs. The alphabet cypher is a simple one, and was easily discovered, but the numbers standing for proper names, many of them occurring only once or twice, and with long intervals of figures never employed at all (in these letters) are often not decypherable with any certainty. The names follow each other in alphabetical sequence to a certain extent, but not entirely, and two different figures are often employed for one man. Thus Inchiquin is 97, amongst the I's, and also 140, amongst the P's, as *President*. Lord Lisle is sometimes spoken of as 111, the cypher for *Lord Lieutenant*, sometimes as 130, probably from his Christian name *Philip*. Broghill is 47, and also 89, probably meaning *General* [of the Horse in Munster]. The key will be found at the end of this Introduction.

At the beginning of April, Percivall gave Inchiquin an outline of the situation. The generals of the New Model Army were on the point of surrendering their commands, and the whole army was to be under sole charge of Sir Thomas Fairfax; the Commissioners to receive Dublin from Ormond were about to start,

and Col. Michael Jones had been made absolute governor of that city, instead of merely deputy to Col. Sydney (p. 389). Sir William Parsons was "like to be one of the Lords Justices" (on the expiration of Lord Lieutenant Lisle's patent) and Sir William Waller and Massie were in nomination by one party, and Major-Gen. Skippon and Cromwell by the other, for the martial commands. Col. Jephson was "for 95 *non obstante*" (p. 384). 95 had previously been suggested for the command in Ireland (*see* p. 357). According to the plan of the cypher, it should be a name beginning with I or J. It does not seem likely that it was Ireton; perhaps Jephson wished Michael Jones to have the chief command.

A few days later, the post was definitely offered to Skippon, Sir William Waller having withdrawn in his favour (pp. 384, 389). After some hesitation he accepted it, but never went over.

On the 7th of June, the Commissioners appointed to receive Dublin from Ormond landed in Ireland, accompanied by troops, both horse and foot. The very day after their arrival, the soldiers "fell a-plundering the mass-houses and divers Papists' houses, and under colour of them many a Protestant did suffer the loss of all he had" (p. 413). Troops were billetted on the inhabitants, and proved very unruly guests. Before long they began to mutiny for want of pay, and some of them "got to the Mount on College Green, which they kept till twelve or one a clock at night, and so treated and got pardon." Next day, another party followed their example, but hearing that orders had been given for artillery to be levelled against the Mount, they promptly forsook it (p. 425). There is an interesting account of this rising (in which Col. Michael Jones is said to have narrowly escaped being shot by his own troops) in one of the newspapers of the day (*Moderate Intelligencer*, No. 122. See also *Report on the Portland MSS.*, i. 429).

One of the first actions of the Parliament Commissioners at Dublin was to forbid the use of the Book of Common Prayer, and to force the "Directory" upon the clergy in its stead. Many resigned their benefices rather than obey, and the "protestants," *i.e.* the Church of England party, were much cast down (p. 425).

The Irish were again threatening Dublin, and were in such force that when Col. Jones went out against them he found

himself obliged to retreat, which he did in so soldierly a manner that he lost very few men (pp. 430, 433, 435).

Ireland in general and Ulster in particular were still woefully in want of supplies. Sir Philip Percivall did his utmost to procure them, but wrote to Sir Charles Coote :—

"Alas, such hath been the troubles and jealousies here since the beginning of March last, about the way of disbanding the army and sending some of them for Ireland, and since, about discharging or impeaching of members, that little could be done for poor Ireland. . . . I fear all the parts of that kingdom will be in much distress before things are settled here . . . where everybody are (*sic*) so wedded to their own wills and their own ways that God only knows what will be the issue of it."

One point was gained for Ulster. Little money could be sent, but it was decided that Col. Monck should take the command there, and Percivall was persuaded that he and Coote would "have much comfort one of another," and that if they only had forces and supplies enough, they would soon compel the enemy to quit the two provinces (p. 434).

On July 28, Ormond resigned the sword and started for England. The Irish, having taken Maynooth "upon mercy" and hanged all the officers there, had now laid siege to Trim, and Col. Jones was preparing to go to its relief; for which end he would need to "adventure the kingdom at a blow" (p. 438). Sir Henry Tichborne, "going home" with only fifty men, had a hot skirmish with three hundred Irish at Balrothery, and lost several officers, but "by God's great mercy got off." His wife and Lady Lucas were captured, but were politely sent after him to Gormanstown; the "civillest action" of the enemy, it was said, for six years past (p. 439).

At the beginning of May, the Parliamentary Lieutenant of Ireland, Lord Lisle, accompanied by his "Juncto," Lord Broghill, Sir John Temple and the Loftuses, had returned from Munster to England, all eager to pour out complaints against Lord Inchiquin, and by no means in a friendly attitude towards Sir Philip Percivall. There are long letters on pp. 397, 400, 404, 405, 428, 436, in relation to their proceedings.

In this same month of May, Percivall entered Parliament as member for Newport, Cornwall. He took his seat on the 25th, and on that very day "twice voted for the disbanding of the army," thus bringing himself at once under the unfavourable notice of the Army party. On June 2, Alderman Hoyle, at Sir

John Temple's instigation, and supported also by Lord Lisle, Col. Sydney, &c., accused him of having been a chief means of the Cessation in 1643, going to the King at Oxford, and proposing to the soldiers in Ireland to come to England to fight against the Parliament (pp. 430, 431). His accusers pressed for his suspension pending a hearing, but this was negatived, and the matter referred to a Committee. Percivall earnestly and repeatedly urged the Committee to meet, but public affairs were very engrossing at this time, and he never could get them to do so.

On July 5, it was moved in the Commons that none who had assisted the King voluntarily in the war or acted in his Commissions of Array should sit, and to these Mr. Weaver proposed should be added those who had "acted voluntarily in the Cessation." Sir Philip Stapleton upon this declared that it was quite evident Sir Philip Percivall and he only was aimed at, and that, as his case was now before a select committee, there was no need for Mr. Weaver's motion (p. 428). The memorandum continues, "wherewith the House being satisfied, the order passed, omitting that particular of the Cessation," but this is incorrect.

The *Parliamentary History* of this date is so absorbed with public affairs, the quarrel with the Army, the attack upon the Eleven Members, &c., that it has no space for private matters, and it has not been found possible to ascertain the exact day on which Percivall made his defence to the House, beginning, "I have seen a vote of this House, passed the 5th of this month," but it was probably the 14th. On the 9th, the resolutions of the 5th were finally passed, and five days given to those concerned in them to present their cases to the House. Sir Philip absented himself from its sittings until the 14th, when he brought in his case, and it was probably before presenting it that the speech was made. In this speech, which, being printed at length in the *House of Yvery*, is merely catalogued in this Report, he disclaimed all part in the Cessation beyond what was obligatory in obedience to orders from his superiors; declared that the whole course of his actions had shown his loyalty to Parliament, he not only having lost a fair estate but "spent and engaged" the rest of his fortune in its cause; and claimed his right, as a member of the House, to be heard before the order which would expel him was carried out. After putting in his

case, he made a further speech, in which he appealed to the Speaker, in consideration of his sufferings and his services and as a stranger in England, for a fair judgment against those who might reflect upon his reputation and affection to Parliament after he had withdrawn (p. 426). He sat again on the 15th, but after this, by the advice of his friends, absented himself until his case should be decided (pp. 416, 417, 428, 430). Meanwhile, much more serious affairs had been engaging the attention of Parliament, and affairs came to a climax with the riots on July 27, followed by the flight of the Speaker and a great part of the House to the Army.

On the 30th, Sir Philip, going down to Westminster Hall, heard what had happened, "and it was by most worthy men in the Hall advised that all the [remaining] members would consult what to do to keep on foot the Parliament, and there was doubt made whether forty [*i.e.* a quorum] could be found, whereupon, he, with the rest, went into the House of Commons, and there a Speaker was chosen, and presently after, an order was made that all members of the House should give their attendance." Percivall helped to carry on the business of the House, and as—upon Lenthall's orders to the Clerk of the House "to give notice to all the members" to attend on August 6—he received a summons, he continued to sit after the return of the wanderers. On the 9th, there was a fierce struggle over the question of making null the proceedings from July 26 to August 6. In the first instance the Ayes had a majority of one, but someone hunted up three members "who were present at the question and had not voted." They gave their votes to the negative, and the Speaker declared a majority of two for the Noes. "Hereupon Sir Arthur Heslerige stood up and said that some sat there that ought not to sit; that were accused and had put in their cases, and had, out of guilt, absented themselves until the Speaker was gone," instancing Sir Philip Percivall, and desiring "that those votes might go for nothing." He was seconded by Sir John Evelyn and others, but the learned lawyer, Mr. Prideaux, declared that "every member was to vote while he sat." To this Heselrige retorted that it was not the desire of the Commonwealth that they *should* sit; he failed, however, to get a vote for their exclusion.

On August 19, Sir Philip once more addressed the House in his own defence, stating that his presence in the House, both during the absence of the Speaker and afterwards, was simply in obedience to orders received of the House itself, and that he was as innocent of any plot to bring in the King or provoke a new war as any man living (p. 455). His one desire was for his case to be heard and decided, and on August 21 he presented a petition in this behalf, but public business continued to crowd out private affairs, and at the end of August Percivall left London for awhile, going to Col. Norton's and Col. Jephson's in Hampshire, to see his son John at Cambridge, and then, after a flying visit to town, to Lord Suffolk at Audley End (pp. 461, 462). At the end of September he was back in London, defending himself against a fresh attack of his adversaries, but, as before, the matter seems to have been shelved, and no decision given by the House, although he both spoke and petitioned on his own behalf (pp. 470, 474). In the middle of September he was with Col. Pigott at Long Ashton in Somersetshire, and thence went to Bristol (pp. 476, 478).

Yet another speech on the old subject is calendared in this volume (p. 481). It is endorsed by the first Lord Egmont as having been made at the end of October or the beginning of November, but there is no apparent authority for so late a date.

The last letter of Sir Philip's preserved in the collection is to one of his creditors, a Mr. Edmundes of Yorkshire, in reply to a demand for payment. In this, he regrets that his sufferings and losses have been so great during the last seven years that he is utterly unable to satisfy his creditors, unless it please God to restore his estate, or Parliament to pay what they owe him. He is himself in great straits, but this would not trouble him so much if he saw any likelihood of supplies being sent to enable the forces in Ireland to prevail, or of a good accommodation in England which might give them hope (p. 479).

This letter was written on October 27. A fortnight later, on November 10, Sir Philip died. The exact nature of his illness is not recorded, but the author of the *House of Yvery* says he was worn out by his private anxieties and the public troubles of the kingdom. That they had some effect upon his health there can be little doubt; and probably upon his appearance also, for a cousin writing some years afterwards stated that he thought "old

Sir Philip" was about sixty when he died, whereas his real age was only forty-four. Three days after his death he was buried at St. Martin's in the Fields, Archbishop Usher preaching his funeral sermon (p. 482).

It has already been stated that the most important part of Sir Philip Percivall's correspondence during the time of the Irish rebellion is that relating to Munster. Sir William St. Leger, President of the province, and Lord Inchiquin, his lieutenant and son-in-law, and ultimately his successor, were intimate friends of Percivall, and wrote to him frequently, as did also his stewards or bailiffs, and the holders of his castles.

Probably, in a sense, Sir Philip himself had conduced to the increase of the normal state of restlessness in Munster, seeing that the thrifty Englishman had gradually got into his possession lands of Barrys and Lombards, Powers and Magners, O'Callaghans, McCarthys and O'Dwyres, to all of whom it must have seemed a hard thing that the estates which had belonged to their forefathers should pass, by whatever means, into the hands of a stranger. But in spite of more or less open discontent, in the autumn of 1641, all seemed quiet in the province. A few complaints there were on either side. The Earl of Cork's deer got out of his park and into his neighbour's corn, which made a mighty clamour. The people made no trouble, Sir John Leeke said, to see a hundred sheep in the corn, but if they saw but two or three brace of deer, "they set up the cry." On the other hand, the McWilliams, always a wild race, laid claim to some of Sir Philip Percivall's land, and enforced their claim by raiding it. But no serious results followed. The Earl promised to put a "pale" all round about his park, to keep the deer from straying, and the McWilliams did no greater harm than breaking a cowboy's head and "snatching and catching up" kettles and pots, and anything else that came easily to hand (pp. 135-139).

When Sir William St. Leger first received the news of the plot against Dublin Castle, he attached no great importance to the matter, especially as nine days had elapsed since the discovery without his receiving one word from the Lords Justices. All was well in his own province, but the people (*i.e.* the English settlers) so frightened that if he were to

stir from hence, or make the least show of danger, there would be a panic. His chief cause of anxiety was what he considered the in-action and ill-judgment of the authorities at Dublin:—

"No martial law, no governors, no army, train-bands and lieutenants of shires is your only fine government. Oh, that I were with you but one half hour to laugh! No plantations, no justices of the peace but natives, no punishment of jurors, no judication but the Common Law!" (p. 143).

Carte's account of the proceedings of the Irish parliament in the session just ended shows that Sir William pretty fairly summed up the result of what had been done.

But while believing in the need for stronger measures of precaution, St. Leger strongly condemned the harsh words of the Proclamation issued by the Lords Justices on October 31; for whereas they should have sought to soothe the humours of the people, this had wrought "the clean contrary effect." He had, he said, read it to O'Sullivan (probably O'Sullivan Beare), and, at the words "ill-affected Irish papists," never had any man's face shown more venomous rancour. Sir William was evidently now (Nov. 5) beginning to be more alarmed. Lord Clanricarde, twice summoned, had not appeared; Col. Garrett Barry had collected a force of twelve hundred men, thereby putting Cork and Kinsale into a terrible fright, and news had come that the insurgents were gathering strength, wherefore, he must say, "their Lordships are too slow." Three days later he plainly hints that their Lordships are also too timid.

"I do find that all at Dublin, or the most part of them, are frighted out of their wits, for if it were not so, it were impossible that they could think that Dublin could be taken by a company of naked rogues. You are as safe as if you were in London, if you be but men and stand to your tackling. I am very sorry to hear that the Master [of the Wards, Sir William Parsons] hath sent away his children. In my poor opinion, it is the unadvisedest thing that ever he did, next sending for all the soldiers out of this province. What can they imagine will be possible for one to do with one poor troop of horse? I have represented it freely unto him; if any ill happen, the blame must light where it is due, for I cannot fight without men, neither have they any occasion to use foot, if they understood what they went about; the horse would rout these rogues if they were well followed."

The only thing the Lords Justices had done for Munster, as we learn from their own letters,* was to "direct the Lord President to command Colonel Barry" to disperse his men, as to which St. Leger says "I have sent to him to disband his men, which I hope he will do, but if he will not, I must let him alone, for I cannot make him" (p. 145).

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* *See* the very important series of despatches amongst the Marquis of Ormonde's papers, lately reported on by the Hist. MSS. Commission.

These troops had been gathered in order to be carried into Spain, but probably their colonel had now some hopes that he might make them useful nearer home. St. Leger hardly recognized how serious matters were in Dublin, where money, men and arms were lacking, and from which a force had had to be sent to support Drogheda, the only strong barrier between the insurgents of the North and Dublin itself; but probably if the stout old soldier had been there, he would have put a little more heart into its rulers. As it was, he made all preparations for the defence of his own province, and in this defence Sir Philip Percivall's castles played an important part, lying as they did towards the north of county Cork, with the wild region of Slewtocher to the west, and the high mountain of Ballyhoura on the east, and protecting the open land by which an incursion could most easily be made from county Limerick. Lovers of Spenser know the country well, for through it flows the Awbeg, Spenser's Mulla, and Ballyhoura is Mulla's father Mole.

The most westerly, strongest and most important of the castles was Liscarrol. This was the ancient home of the Barrys, and Col. Garrett Barry had resolved that it should be the home of the Barrys once again as soon as possible. East of Liscarrol lay in succession the castles of Annagh, Walshestown, Temple Conila and, lastly, Ballincurry, on the slopes of Ballyhoura. Upon the first advertisement of the troubles, St. Leger gave orders to have these castles put in a state of defence and garrisoned, but he was greatly crippled in his work by lack of men and arms, and, on November 13, complained to Percivall:—

"I must tell you under the rose that the State takes little care for the safety of this province, for instead of strengthening us, they enfeeble us all they may; for they have taken from us all the companies we have always had except three, which is a very great discouragement to us, and an encouragement to all evil-affected people. . . . . Setting aside the Corporations, there is not arms to furnish two hundred men, allowing every gentleman to leave at home for the defence of his house two or three pieces." As to the insurrections in the North, "if they had been handled and pursued as they should have been, with no other but with the King's standing army, they had been by this time utterly routed and defeated. . . . Therefore if the Lords have disfurnished the store to arm your neighbours, they have done one of the most unadvised things that ever was done by a State, for, had I arms, I could draw together three or four thousand good protestants, on whom we might have relied; but to put all our strength of arms into the hands of another religion, religion being the pretence of the war, is a thing, I confess, beyond my understanding" (p. 148).

As regards this last point, *i.e.* the arming of the Catholic gentlemen of the Pale, the Lords Justices themselves evidently

had their doubts, but were torn in two between the desire to propitiate them and the danger of trusting them. "We held it the safest way to avoid their suspicion of our jealousy of them," the Council informed the English Privy Council, adding that it was hoped these gentlemen might be a strength to them, but that issuing arms in that manner had very much lessened their store (*see Report on the Ormonde MSS., New Series*, i. 9). The November days went on, and still Munster remained quiet. On the 16th, Philip O'Dwyre (afterwards one of the most violent of the insurgents) assured Sir Philip Percivall, whose tenant he was, that there was "no stirring" in the province at all, but everyone preparing men and arms for its defence, and two days later, the President wrote to the same effect, though not without grave anxiety for the future (p. 149). A week later, the news had come that some of the septs of the Pale, the O'Byrnes and O'Tooles, and perhaps the Kavanaghs, were in rebellion, which made Sir William recur to his old grievance, that arms should have been given into Papists' hands, which might have furnished "honest Englishmen." He sometimes wished, he said, that his women and children were in a place of safety, but scorned to save them at the expense of his honour; meaning, no doubt, that nothing should be done to create alarm amongst the English. Even of his "own old carcase" he felt that a better use might be made than to expose it to the rage of a multitude, and it made him "very full" to have nothing sent to him at all, not even intelligence (p. 150).

As to the northern parts, he wrote:—

"If I understand anything of the wars or government, all is lost for want of counsel and resolution, and as to your fears within yourselves, is (*sic*) the meanest of all others, where you have men and arms to compel obedience and to secure all your suspects. Add unto this a citadel that commands all, makes you as safe as you can be upon earth, and if this will not serve your turn, you must die and go to heaven . . . You say the arms that were given out of the store were assured upon good consideration. I know not what you mean by assuring, but if you mean anything but calling them in again, we are all in danger to be undone." As to the withdrawal of the troops from Munster, it seems very strange "that when his Majesty hath been at great charge to raise good substantial forts, and given them in charge to particular men, that these men should be called away, and the forts left ready for the enemy to walk into" (p. 152).

On November 29, the news had reached Cork that the northern men were approaching Slieve Bannagh. Alarms came thick and fast, "like Job's messengers, one on the

neck of another." In Kilkenny, not an Englishman or protestant "was left worth a groat," Lord Ormond's castles were all taken, the enemy was at work in county Waterford and falling to work in Tipperary. Within a fortnight, it was to be feared that "county Cork and Limerick and all" would follow. Sir William hurried into county Waterford, chased three hundred of the Irish down to Passage, killed near seven score, took prisoner the rest (whom he meant, he said, to execute presently) and rescued much prey. Thence he crossed into county Cork, where he slew many of the enemy and got back some cattle, but the country rose behind him, and having worn out his horses and tired his men he was obliged to retire to Cork still firmly believing that "if at first the traitors had been but roughly handled" they would never have attained to such strength. He sent off his son-in-law, Lord Inchiquin, to England to try to procure supplies, and meanwhile, by his vigorous measures, succeeded in keeping the country fairly quiet. Percivall contributed largely to the support of his own castles, and, at Liscarrol, his captain, Thomas Reymond, and his steward, John Hodder, made all as strong as they could, admitted the English tenants into the "Bawne," *i.e.* within the walls, and prepared for defence. The difficulty was to know friends from foes, for there was wide-spread sympathy with the insurgents, both amongst tenants and servants, and Reymond only discovered just in time that one of his grooms was engaged in a plot to carry off all the best horses to the enemy (p. 155).

In Tipperary, from the English point of view, matters were much worse, three thousand pounds worth of stock (as was computed) having been lost, and many gentlemen having nothing left at all. The Council at Dublin, shortly before Christmas, gave the President a commission to raise a regiment of foot and three troops of horse, but as they sent neither money nor arms, "their Lordships had as good have done nothing." From the enemy, Sir William received a message that they would dine with him on Christmas Day, but, to save them the trouble of so long a march, he meant, he said, to meet them by the way (p. 157).

So far, there had been no organized rising of the Munster Irish, and the only killing had been done by the President himself. On his journey into Waterford, he behaved with great violence, and slew many innocent persons, rousing so much indignation that,

at the end of the year, the Philip O'Dwyre who had assured Percivall, a few weeks before, that all was safe, and who had protected Sir Philip's property from a relative of his own (p. 162), joined the insurgents, and about the same time Lord Mountgarrett declared for them, taking possession of Kilkenny in their name. But he straitly forbade all bloodshed, and we read of no complaints beyond those of pilfering and spoiling. Lord Muskery and Lord Roche were not yet "out," but all their followers were, and their loyalty was considered very doubtful. One of the most respected of the Munster Irishmen was Dermott FitzGerald, commonly known as McDonagh, in the neighbourhood of Liscarrol. St. Leger was anxious to keep on terms with him, as he had much influence with his neighbours, and—on his complaint that the people at Liscarrol had pillaged his tenants—sent a peremptory command to Serjeant Reymond to make restitution and hold a "civil correspondency" with McDonagh (p. 161).

Meanwhile, Lord Inchiquin and his companion, Capt. William Jephson, had obtained a regiment of foot and some horse from the English Parliament, and were hastening back to Munster, but by the end of March almost the whole province was "out" except Lord Kerry, the Earl of Barrymore and a few of the Barrys, and it was not now one regiment that would be of any use, for ten would be too few. As to the Irish, they had plenty of arms and munition, but it was rumoured that they were short of victuals (p. 173).

There are no letters from either St. Leger or his lieutenant, Lord Inchiquin, during the spring of 1642. For five weeks of that time, the President was shut up in Cork by the Irish, on the land side, and when they were defeated by a vigorous sortie of Lord Inchiquin's, he was too destitute of money and supplies to take the offensive or go to the relief of Limerick, which, in May, surrendered to the insurgents. About this time, Inchiquin went to Mallow and thence to Doneraile, where he was met by complaints against the garrison of Liscarrol of robbing harmless tenants, burning houses and killing one of Sir William Power's men. On the other hand, Reymond complained that guns had been stolen out of the castle and horses carried off; but Inchiquin gave him strict orders that he was to meddle with no men's goods unless he could prove them rebels (pp. 176-179).

Inchiquin was still at Doneraile when St. Leger died (on July 2) and the military command devolved upon himself. He confirmed Reymond as commander at Liscarrol, and promised to take the warders into the King's pay. But Reymond, like other captains of the English garrisons, was never sure of his own men, the warders being continually detected "holding correspondency" with their insurgent friends and often running off to them, taking horses, guns or other valuable property along with them. Inchiquin sent a stern message to Liscarrol, threatening to execute any who ran away, and ordering those who "uttered words of discouragement" to be sent to him. The garrison at Newmarket, lying towards the hill region bordering the counties of Kerry and Limerick, was evidently quite out of heart. "I would have you tell them," Inchiquin wrote to Reymond, "that if they quit the place without my privity, I shall surely hang every man of them that comes within my power." If, however, they found it impossible to hold out, he would send a convoy for them and have the place demolished, rather than let it fall into the enemy's hands (p. 180).

On August 20, the Irish besieged Liscarrol, which surrendered on September 3; but the very next day Inchiquin came up with his forces, defeated the enemy and regained possession of the castle. There is no notice of this battle amongst the Egmont papers, beyond a casual mention of damage done to houses, as well by friends as foes, and of the capture of the rebels' ordnance (p. 181).

Through the summer of 1643, the insurgents steadily gained ground, and the English grasp on Munster became more and more precarious. There does not, however, appear to have been any great bitterness in the relations of the opposing parties. Inchiquin and Jephson on the one hand, Mountgarret, Roche and Muskery on the other, had been friends and neighbours before the war began, and hoped, no doubt, to be friends again when it was over. The country people were always ready for a raid and a little "preying and spoiling," but they were not smarting under the angry sense of injustice such as was caused by the plantations of the North. Many of the Irish remained neutral, and indeed it was only the fact of their sending in supplies to the markets of the garrison towns that enabled the General to keep his forces on foot at all. As time

went on, he was obliged to resort to the very risky measure of seizing the crops of these friendly Irish, and even the goods of the English merchants, in order to provide for the subsistence of his soldiers, for his appeals to England, now in the throes of the Civil War, resulted only in the sending over of men (whom he did not need) without either money or provisions. It is no wonder, then, that when a Cessation with the Irish was proposed, he was strongly in favour of it. This Cessation (the same which brought Sir Philip Percivall into such trouble) was finally arranged by Ormond at the beginning of September, 1643, and it was agreed that it should begin at twelve o'clock at noon on September the 15th. One proviso of the treaty was that all lands were to remain in the hands of those—English or Irish—who held them at that hour, and this brought about some humorous situations, from the very ingenious attempts of the Irish to prove possession. On one plot of land a stranger was found the day before digging potatoes; in another direction it was rumoured that a cabin had been built on the bog "to challenge a kind of possession," and one of Percivall's friends declared that the Irish called every place theirs which they had but cursorily passed over, and that, on the 15th, "they had men lying under all the old walls in the country" (pp. 190, 207).

To some of those who had not yet openly declared for the insurgents, the Cessation, or, at any rate, this article of it, seems to have come rather as a surprise, before they had taken the measures which would have given them the benefit of it. In an effort to make up for lost time, and perhaps hoping that in the confusion the exact date would pass unnoticed, some of the Stapletons, Lombards, Barrys and Magners appeared the next day upon Sir Philip's lands of Temple Conila, and being admitted in a friendly way, as often before—"in regard they were quarter-men by the Lord of Inchiquin's protection"—into the castle, seized it, carried the warders as prisoners to Kanturk and elsewhere, and took possession of corn, arms and horses (pp. 190, 193, 206 *et seq.*). Others followed suit and established themselves on the lands which had once belonged to them, Lord Roche amongst the rest. Percivall appealed to the Lord General, and Ormond demanded reparation from Muskery and the other lords of the Irish party. Muskery honestly tried to do justice, but his followers were quite out of hand, and although he issued

numerous orders, they were "as like to be obeyed," a friend of Percivall's declared, as he was to go to Dublin on his head (p. 191). While Percivall was demanding restoration of his lands, he candidly admitted that he could not tenant them, and was quite willing for the "now possessors" to remain, if they would acknowledge his claims and pay "sheaf and grazing" (pp. 193, 194). Thomas Bettesworth, an old and intimate friend of St. Leger, Inchiquin and Percivall, believed that the Cessation would make the contention as hot in words as it was before with swords, and that the truce itself would be sooner ended than the controversies which had arisen from it.

Commissioners were appointed to arrange boundaries and other matters; Sir William Fenton, Capt. Bridges and Arthur Bettesworth for the English; Donogh O'Callaghan, the McDonagh and others for the Irish, who arrived accompanied by two hundred armed men. Much time was spent "merely in clamper," but very little was done. For Donogh O'Callaghan, the English had a sincere respect. Lord Inchiquin praises his moderation and expresses confidence in his judgment, and he did his utmost to get the articles of the Cessation duly observed, even ordering the quartering of soldiers on obstinate men of his own party, but it was almost impossible to compel obedience. The Irish had regained possession of lands and castles, once their own, and they meant to keep them. Reymond declared that things were worse than when the rebels were in action, for formerly none dared approach the English garrisons "but on good terms," whereas now they flocked round at all hours, day and night, and must not be questioned, so that if they should break out again, much sudden mischief might be done. Meanwhile, the common vote of all the country, "best and worst," was that Sir Philip should never have his lands again (p. 200).

In January, 1643-4, Lord Inchiquin went to the King, partly to ask for aid for the Province, but chiefly in the hope of being appointed its President. He left Sir Hardress Waller as military commander in his absence, who proceeded cautiously, if not timidly, in relation to the Irish.

There is a very courteous letter to Sir Philip Percivall, written at about this date by Geoffry Baron, one of the Confederate leaders, in answer to one from Sir Philip to himself. He regretted that it was not possible to give up the rents of lands

in their quarters, as all such were converted to the public use, but would, he said, "recover possession from the vendors," so that when an accommodation was made, there would be no difficulty about their restoration to Sir Philip. "I have owed you many favours," he concluded, "but I hold your present confidence in me in as high degree as any, and will do my utmost, consistent with my own safety, to serve you" (p. 204).

Lord Inchiquin returned to Ireland in a very dissatisfied mood —"as full of anger as his buttons will endure," according to Arthur Trevor (Carte's *Life of Ormonde*, iii. 246)—in consequence of the King having given Munster to Lord Portland instead of to himself. In July, 1644, he declared for the Parliament, and amongst these papers is an interesting letter which he wrote to his brother, Lieut.-Col. Harry O'Brien, justifying his conduct, and urging his brother to bring his regiment to Ireland.

"It is most certain that if God do not now assist us to defend ourselves, the Irish have resolved to leave never a Protestant in Ireland, and to become subjects to a foreign Prince if our King do not turn papist, whereof they seem confident. But although I cannot believe the King will change his religion, yet we find that he hath put this kingdom and us into the power of the Irish, who, we know, will prosecute with all malice the extirpation of the English. Wherefore our duty to God and our own safeties call upon us to neglect the King's service in other things, and to preserve his interest against those who are his most dangerous enemies."

He goes on to assure his brother that the soldiers in Ireland would now have "extraordinary good pay" and that their arrears would be satisfied "in adventure," *i.e.* by forfeited lands (p. 233). It will be remembered that at the beginning of the war with Ireland, adventurers were invited to advance money to be repaid by the grant of "Irish acres." The bait was a tempting one, as a loan of 600*l.* secured a grant of a thousand acres in Leinster, while the same quantity in Ulster could be obtained for 200*l.* The only drawback to the investment was the chance that the true owners of the land might get the upper hand, and be able to defend their estates from confiscation.

Inchiquin proceeded to expel the Irish aldermen of Cork and Youghal, with "other great ones there," and the position of the English garrisons was not improved by the new turn of affairs, for the Munster Irish, who had hitherto looked upon Inchiquin with half friendly eyes, were very angry. Reymond reported that they now took no heed of the orders of their chiefs, were plotting to murder Lord Inchiquin and all the English in Cork and the other garrisons, and that but for

Inchiquin's vigilance, "there had not been now living in all Munster one Englishman to tell his grief." Judging from what had happened already and did actually happen afterwards, Reymond's fears were much exaggerated, but the country was certainly in a more disturbed state than before, "with raising of forces and making of meetings" on all sides.

Hardly had Lord Inchiquin thus put a gulf between himself and his countrymen, than he would seem to have begun to repent of the step which he had taken. His letters at this time give a curious picture of irresolution. Orders to prey on the Irish were followed by other orders not to molest them, and before any vigorous measures had been taken, the Cessation of 1644 was arranged and hostilities ceased. After this we read only of quarrels over cattle and horses, in which the Irish seem to have had more cause of complaint than the English, so much so that Donogh O'Callaghan indignantly asked Reymond whether he meant to keep the treaty or no, for, as he said, "if your party be at liberty and we bound, it is no equal bargain for us" (p. 246). A few weeks later O'Callaghan wrote again to Reymond, saying that, merely upon Lord Inchiquin's word that the treaty had been prolonged, he had given orders to his people to "sit quiet," being loath to renew hostility with his neighbours, and that indeed he saw no reason, if Reymond would acknowledge and serve the King and obey Lord Lieutenant Ormond's commands, why he should be held an enemy to their party, "who serve his Majesty and will live and die in his quarrel" (p. 250).

About this time, Lord Digby made an earnest appeal to his old friend to return to his allegiance (p. 248), but whatever Inchiquin's private feelings may have been, events were now moving too quickly for another change of face to be possible. In April, 1645, on the expiration of the last Cessation, Lord Castlehaven brought an army into Munster with which the English forces were ill-fitted to cope. Their markets were lost, the provisions in the garrisons almost exhausted, the soldiers beyond measure in want, and "not a rag of money left" (p. 252). Some stores, however, just then arrived from England, and Inchiquin managed to beat the insurgents out of Barrymore and Imokilly, "not leaving a man on that side Blackwater who dared show his head." But his success was of short duration. The

next report sent to Percivall was that the Irish were "going up and down the country, taking of towns and castles"; that they were advancing to Mallow, and that Inchiquin had only 1,600 men, horse and foot, to lead out against them, while the enemy was 4,000 strong (p. 254).

One by one, Percivall's castles were taken, most of them with little resistance or none at all. Annagh only, under Captain Fisher, "stood very valiantly and lost most of their men, and till the castle was much shaken, would not give over." This was Hodder's account. Sir Percy Smyth wrote in the same strain:—

"All our castles and holds beyond the Blackwater, Ballyhooly excepted, are gone, most burnt to the ground, in particular Michelstown and Doneraile. Mallow and Liscarrol yielded without shot or stroke, and so did Milltowne, but for Annagh, no place in Ireland better defended, in which service the rogues lost at least three hundred of their best men, and at last got it by treachery."

Arthur Bettesworth, commander at Mallow, was exonerated, but Reymond, who had yielded without a shot the castle which two years before he had defended so bravely, was condemned to death. He was, however, afterwards pardoned, and allowed to go to England (pp. 257, 258).

The fear was now for the port towns. In Cork the stores were empty, and the soldiers living on eighteenpence a week, paid by the poor inhabitants. Castlehaven's army had ended its career in the north of county Cork by the capture of Col. Harry O'Brien at Rostellan. Carte says that the castle surrendered at discretion, but Capt. Hodder's tale is that it was taken (or re-taken) by the English forces, and that Col. O'Brien, Col. Courtney and others were surprised while superintending the razing and clearing of it.

Castlehaven next besieged Youghal, but the garrison made a vigorous sally, dislodged the enemy from their battery at the harbour's mouth, threw their culverin down the rocks, and compelled them to draw back to Ballinatra. They still, however, kept command of the harbour, so that no provisions could reach the garrison save by boats, which crept in at night. Sir Percy Smyth declined all invitations to yield the town, feeling confident he could hold it if he could only get food. It was starvation he feared, he said, not the enemy (pp. 259, 260). Soon afterwards, some Parliament ships succeeded in taking in supplies, and Castlehaven raised the siege.

In the winter of 1645-6, Inchiquin went again to England to press for supplies, leaving Lord Broghill as his deputy. Matters had now, Broghill believed, come to such a pass that they must either "immediately recover or die," and as to Lord Ormond, he had "declared himself so publicly for the rogues that he would hardly stick at anything to advantage them" (p. 266). Months went by before anything could be settled, and it was not until the middle of July that Inchiquin returned to Munster, where he was greeted by news of the loss of Bunratty and the probable immediate advance of the enemy. The Parliament commanders were on the horns of a dilemma. If they shut themselves in their garrisons they would lose their markets and be starved out; if they fought and miscarried they would be blamed for rashness, seeing that the enemy was seven or eight thousand strong, "whereof at least fifteen hundred horse, while they could make but a thousand horse, and would not dare to draw above a thousand foot from their garrisons." A Council of War was held, at which it was decided not to risk a battle, and it was hoped the enemy would not advance quickly, they being "shattered and tired by the sharp siege" (pp. 300, 301).

A week later, however, the arrival of some further forces encouraged Inchiquin to take the field, resolving to turn what money he had into biscuit and salt, and to "endeavour to get flesh to it out of the enemy's country" (p. 302). It may be noted that this was the usual plan at this date. The soldiers of the Commonwealth marched and fought, for the most part, on a diet of biscuit, cheese, butter, beer and salted fish (which last item they did not much care for, often asking for larger rations of cheese instead) and seldom had meat unless they could obtain it from the enemy.

The peace proclaimed by Ormond on August 1, 1646, but so soon repudiated by the Nuncio's party, brought no pause to the hostile proceedings in Munster. On August 20, Jephson sent Percivall an account of the storming of Pilltowne, and speaks, quite as a matter of course, of the slaughter of the garrison. "My Lord President, at his first summons thereof, promised them fair quarter . . . which they refusing, were by that means afterwards deprived of all their lives, it being taken by storm" (p. 306). A passage like this tends to explain Cromwell's proceedings in Ireland. Happily, at Pilltowne, the women and

children had been sent out before the assault began. After being in the field three weeks, Inchiquin was driven back by "excessive wet weather; there being no villages left in all the country to shelter either the men or their arms; the soldiers ill-clad and ill-shod, and the waters so high that the troops often waded up to the middle." Both Inchiquin and Jephson complained of a strange mortality amongst the horses which "died like rotten sheep" (pp. 305, 309, 322, 333).

It was rumoured that the Marquis of Ormond was preparing to come to Munster, intending, as Inchiquin heard:—

to present us the articles of peace with one hand and an army of eight thousand foot and two thousand horse with the other. If we embrace not the first, we must grapple with the latter.*

Inchiquin believed it would be a week or two before they could arrive, in which interval he meant to make what preparations he could "and submit the success to God." His adversaries in England declared that he was in correspondence with Ormond, to refute which statement the Munster officers drew up an attestation on his behalf (pp. 307, 310). Whether, however, the Irish agreed with Ormond or prevailed "to force their pleasure from him," Inchiquin had little hope of making a prolonged resistance, being destitute of ammunition, provisions, and money. The negotiations with Ormond had alone prevented the insurgents from possessing themselves of the province, they having "four armies at gaze," waiting for the effect of the treaty. In the letter here quoted, Inchiquin expressed his astonishment at the explanation given by Lord Digby concerning the King's true wishes, observing:—

Now, in my opinion, it is very strange that the Scots should adhere to the King against the Parliament, and yet that he should be notwithstanding, not only a prisoner with them, but forced to write letters in spite of his teeth (pp. 312-314).

One of the most powerful family groups during the period of the Civil Wars was that of Richard Boyle, 1st Earl of Cork. It included, in 1646, Richard, the second Earl, Roger, Lord Broghill, Francis, afterwards Viscount Shannon, and Robert Boyle the philosopher (sons); the Earl of Kildare, Viscount Ranelagh, Lords Barrymore, Digby and Goring, Sir Charles Rich and Sir Arthur Loftus (sons-in-law); and Sir William Fenton (brother-in-law of the late Earl). The Puritan members of this group,

* *Cf.* letter in *Report on the Portland MSS.* i, 338, the writer of which is probably Robert Heald.

Lord Broghill, Lord Ranelagh, Sir Arthur Loftus, &c., viewed Lord Inchiquin's "conversion" with suspicion and were perpetually in either open or covert opposition to him. Lady Broghill and Lady Loftus talked against him, and he complains of a third lady, but this can hardly have been Lady Ranelagh, as with her he was on good terms.

With this party may be linked Lord Lisle and his brother, Col. Algernon Sydney. After the announcement of Ormond's peace, Parliament appointed Lisle chief governor of Ireland, and from this time we find two Lords Lieutenant appearing side by side in Sir Philip Percivall's papers, and have to distinguish them by the context and according as the letters are written by his Royalist or Parliamentarian friends. Lisle did not go over until the following year, but he at once began giving orders, to which, as will be seen by a letter on p. 319, Lord Inchiquin courteously yielded obedience.

Early in October, Inchiquin wrote narrating the doings of the Nuncio's party, and stating that it was evident Ormond must give up Dublin, either to the Parliament or the Irish. This was "the catastrophe of all the transactions between his Majesty and his good subjects of Ireland."

While Ormond was arguing with Parliament Commissioners in Dublin, Inchiquin was exchanging amenities with Irish Commanders in Munster. Major-Gen. Stephenson and Col. Purcell sent him word that unless he gave up his reported purpose to fortify Mallow, they should not only recover the place, but burn all the countries that paid contribution to the English. To this Lord Inchiquin responded that he knew not how to return thanks for their friendly premonition and advice, but would not deprive them of the honour of accomplishing so important a piece of service, which, if affected by menaces only, would be little for their honour and less for his own (p. 339). Inchiquin fortified Mallow, but the Confederate leaders did not carry out their threats. At this time the country people of Munster and Leinster were growing somewhat weary of the Ulster men, who still roved about their provinces in large numbers, subsisting on the "suffering churls" and causing them to "curse the first movers of this rebellion, being well nigh spent" and not far from starvation. The poverty of Inchiquin's soldiers also was so

great that they flocked in multitudes to the Irish army "in mere necessity" (p. 350).

In December 1646, Lord Broghill went over to Cork, boasting that he had got a commission from Lord Lisle "independent of Inchiquin, to command three regiments" (p. 342). His chief was all eagerness to follow him, but John Davies, the contractor, prophesied that when he got there, his neck would "soon be broke," as neither he nor those with him knew anything of the condition of the place to which they were going, or the business they were going about. Even as late as January 1646-7, there was a suggestion that General Fairfax should go instead of the Lord Lieutenant, but this was very distasteful to Lisle and his [*i.e.* the Independent] party.

Lord Lisle sailed for Munster in February, accompanied by Col. Sydney, Sir Arthur and Sir Adam Loftus, Sir Hardress Waller, Sir John Temple and others. One of his officers was looked upon with some shyness by his associates. This was Col. George Monck, released from the Tower by Lord Lisle's means, on promise to serve in Ireland. To him, as to Lord Inchiquin and many others, fighting for Parliament against the "Irish rebels" presented itself as a widely different thing from fighting for Parliament against the English Royalists.

On the very night of his landing, the Lord Lieutenant took a troop from the Captain to whom Inchiquin had granted it and gave it to an officer of Lord Broghill's, and from that day he certainly seems to have tried how much he could do to irritate and humiliate the Lord President, who wrote that there was very little difference, to him and his friends, between the effects of his Lordship's arrival and those which they might expect from being subdued by the rebels, the usage extended to them "carrying with it the semblance rather of a conquest than a relief"; that all but Independents were shut out from his counsels; that Lord Broghill was allowed to command all things at his pleasure, the execution of the President's place being in effect put into his hands; and that more care was taken to destroy the Presbyterians than the Papists (pp. 365, 367, 380). A long statement concerning Lord Lisle's proceedings will be found on p. 363 (*see also* p. 385).

On the other hand, Lisle and his friends complained that they found everything in disorder, and had at once to set to

work to take fresh musters, rectify abuses in the granting of custodiams, and establish a hospital for the wounded (pp. 366, 373). Their accusations against the President may be gathered more in detail from his reply to them on p. 377.

One point comes out very clearly. At the bottom of their antagonism to and suspicions of Lord Inchiquin, lay the fact that he was an Irishman, and therefore likely to deal too leniently with his fellow countrymen. (*See* pp. 377, 385, 406, 408, 411). The same idea obtained in other quarters. Amongst the Verney papers is a letter, in which it is stated, "The Parliament hath made a new President, and he is our General of this province; he hath so many of his friends in rebellion, and so many of his friends and kindred which he gives protection and are protected by him, that they outdo all us poor people. If you give not a remove to him, I fear you and us will have cause to repent of it." (*Hist. MSS. Commissioners' Report* vii. 443.)

When Lisle brought this point forward, Inchiquin retorted that being an Irishman had enabled him to gain information and agitate matters for the good of the army with the neighbouring [neutral] Irish far better than any Englishman could have done, while, in relation to the rebels, he appealed to his past conduct, when, if he had been so inclined, instead of acting for the State, he could easily have done it what disservice he pleased (p. 377.)

As the weeks went on, to his complaints of Lord Lisle's interference Inchiquin added complaints of his inactivity. The Lord Lieutenant, he said, did nothing but plot "how to place and unplace such as are and are not Independents," and no designs for an effective prosecution of the war were set on foot, only some small "skulking unprofitable projects" to avoid the imputation of doing nothing, and it seemed to be his theory that the best way to ruin the Parliament's enemies was to begin by destroying their friends (pp. 380-382, 385).

Inchiquin's advisers in London, Holles, Clotworthy, Stapleton, Percivall, &c., repeatedly urged him to be patient and to yield to Lord Lisle's authority (pp. 383, 384, 387), and no doubt this was the easier as the President knew that his own day was near at hand. There is little notice in these papers of the circumstances preceding Lord Lisle's departure, as Inchiquin

sent his secretary over to tell his friends the tale (p. 391), but there is a very graphic description in Bellings' *History of the Irish Confederation* of what happened when the expiration of his patent suddenly left the late Lord Lieutenant so absolutely at his adversary's mercy that he had to ask for the President's orders before he could get his luggage put on board ship, "which being granted, he departed the kingdom." Most of his "grandees" went with him, and it might truly be said—to borrow Cromwell's words—that (apart from a few of his friends left behind) "not a dog barked at their going."

Lord Inchiquin having now a free hand, started at once into the field, and rapidly took Dromana, Cappaquin and Dungarvan, so that, as Sir Percy Smyth remarked, the Lord President had, in ten days, done as much as somebody else during the whole of his reign (pp. 396-398, 402). Captain Peregrin Banastre was made Governor of Dromana, an appointment which gave great offence to the Independent party. Col. Roe declared indignantly that he was a common drunkard, and that a place of such importance ought to have been given to "an honest, able man" (pp. 403, 405).

Inchiquin had got rid of his enemies' presence, but by no means of their animosity. On landing in England, the late Lord Lieutenant and his friends sent a letter to the Speaker, giving their version of what had occurred. Lord Valentia (formerly Lord Mountnorris) and Inchiquin's secretary, Richard Gething, "related the business another way" and both narratives were published (pp. 397, 398). Percivall's letters at this time are full of the matter; of the spiteful speeches of Inchiquin's enemies, and of the hopes of his friends that he would disprove their slanders by doing acceptable services against the rebels. News of his successes soon arrived, and although Hardress Waller declared that the three towns taken were of little consideration, and that Lisle might easily have had them if he pleased, the House of Commons preferred acting to talking, and voted the Lord President a letter of thanks for his services (pp. 405, 406).

Inchiquin was extremely anxious to have some Parliament Commissioners sent to him, such as "went along with Sir Thomas Fairfax"; he had received offers from certain of the Irish to bring troops over to him, but did not dare to listen to them

unless he had those with him who might share the responsibility and protect him from further accusations of favouring the rebels. He had also had "motions" for raising a regiment of Irish for France, under his son, and a troop of horse under his brother, but that also (although he believed the carrying away of so many Irish soldiers would facilitate the work in Munster very much) he did not dare personally to meddle with. And moreover, he said, with an evident feeling of pride in his countrymen, rebels though he called them, he knew not whether it might not "prove dangerous to strengthen France with this sort of cattle" (pp. 406, 407).

For himself, now that he had hopes, by God's blessing and his friends' help, of vindicating his actions so that he might with honour retire, he was becoming increasingly anxious to quit his command. Every day showed him more plainly how impossible it was for an Irishman to be acceptable in it, and his wish was that it might go to Col. Jephson, who was well-loved of the army. Percivall, however, threw cold water on all his friend's suggestions. There was at present "no thinking" he declared, on the plan for sending men to France under his son and brother, nor was it the time either for him to surrender his place or for Jephson to undertake it (pp. 408, 416).

The Irish parties had now partially made up their differences and joined their forces, so that Inchiquin had to face troops very superior in numbers to his own. He meant to fight, however, if they advanced, for fighting was better than starving, and his army wanted so much that they were "like (shortly) to want nothing" (p. 414). Three officers of the Munster army were sent to England to "remonstrate their condition" and were heartily supported by Col. Jephson, now a member of the great Irish Committee at Derby House. Some supplies were obtained, and the Committee resolved upon sending commissioners as Inchiquin wished, and even chose Mr. Swinfen, Mr. Ashurst and Jephson himself to undertake the mission, but unfortunately this last was out of town and the other two "durst not, without full debate with him, resolve to go, and so gave a negative answer" (p. 436, and cf. *Cal. S.P. Ireland, Addenda*, 1625-60, *p.* 761).

Now," Percivall wrote on July 26, "as I hear, they resolve none shall go, but the whole trust and care left on the Lord Inchiquin."

Later, he added a postscript that it had passed both Houses* that day, that the Council [of Munster] should "order all things" (or, as he puts it in another letter, that all should be done by advice and consent of the Council) and that Sir Arthur Loftus was to be added to it, a decision very pleasing to Lord Broghill, who intended to go over very shortly (pp. 436-438). Percivall himself thought it "no excellent way to reconcile matters," and Lord Valentia expressed the same view more strongly. "The Lord of Inchiquin," he wrote, "is like to be well counselled by those who accused him of treason."

Inchiquin received the news quietly, but reiterated his firm resolution to resign his post. As regards the fresh accusations now made against him of intriguing with the Eleven Members he declared that no man had less knowledge of their designs than himself, and that although he had angered some who called themselves Independents by his opposition to their schemes, yet he knew no reason why Sir Thomas Fairfax and his army should seek his ruin (pp. 448, 452). This might be literally true, but his correspondence with Sir Philip Percivall shows that he was hand and glove with the Presbyterian party, and had encouraged his officers to take the same side.

It may be mentioned in passing that Percivall seems to have had hopes at this time (hopes shared by many others, *vide* Carte's *Ormond* ii. 10), that Ormond might be sent back to Ireland. "Many of us hope that 111 will go," he wrote (p. 436). By 111 he always meant *Lord Lieutenant*, using the title sometimes for Ormond, sometimes for Lisle. And he certainly did not wish Lisle to return. (*See also* p. 437.)

In August 1647, the officers of the Munster army, led by Col. Stirling, drew up a Remonstrance to Parliament, protesting against the proceedings of Fairfax's army, claiming their arrears, and objecting to the removal of Inchiquin from the command. As, at this time, news had arrived of the "composing of the differences" in England, Inchiquin persuaded them to "stay" their Remonstrance, and promised to write to the Lord General and the Speaker on their behalf. His letters will be found on pp. 456, 458. Stirling, however, had sent copies of the

* There is no notice of this in the *Journals*, but, considering the state of confusion in the Houses on that day, this is not much to be wondered at.

Remonstrance to Leslie and Munro, and to Sir Patrick Wemys at Dublin, together with violent letters from himself, in which he called Fairfax "that fox," and declared that the Munster army was resolved to live and die for King, Parliament and Covenant, "against all sectaries or new-modelled parliament of such." The packet was intercepted and carried to London, where letters and Remonstrance were read in Parliament on September 22.* They were very "ill-taken," and Inchiquin was promptly ordered to send over Col. Stirling and a Capt. Marshall, who had acted with him; "wherein," Percivall and Jephson assured Inchiquin, "if there shall be any failure on your Lordship's part, or that the army should stand on terms, we do conceive it will be understood a declaring of war against the Parliament." The fact that he had "stayed" the Remonstrance was noted in his favour, but his friends urged him to prove his good faith by a ready obedience to Parliament's commands, and also to leave off capitulating with the rebels and pursue them with fire and sword, the only way to end the war (pp. 466-467).

To these admonitions, Inchiquin replied that he dared not "discountenance" his officers, as it would certainly drive them into desperate courses, but that, if promised indemnity for what they had done, they would observe orders as long as they were held fit for employment, and, if accounted unfit, would ask only for their arrears and a free discharge. As for himself, he was told that the Independents would never be satisfied except by his death. "God send me well off from this employment," he concluded, "and let me be hanged in the next that I take upon me in a public trust, for I see it is impossible to do anything but envy will find a way to blast it" (p. 470).

This letter is written in a curiously disheartened mood, considering that Inchiquin had, within the last two or three weeks, taken Cahir Castle and stormed Cashel. He was a brave soldier, and when he fought, he fought to win, but possibly he was not very proud of his exploits against his countrymen. Col. Pigott wrote with fierce jubilation of the rumoured slaughter of a hundred (some even said three hundred) priests at Cashel. "Would I were sure of it," he continues, "but sure I am, if they

* See *Lords' Journals* ix. 445, where, however, the Remonstrance is printed with many mistakes, some of which impair the sense. *Cf.* corrections on p. 456 below.

come in Inchiquin's way, he'll cry 'take them, Derrick,'" and again, "this rule is observed, that whatever priests, friars and Jesuits escape the sword, the gallows claims and has them" (pp. 468, 473). We may perhaps believe that Inchiquin was not quite so black as his friend painted him. He certainly offered quarter with "bag and baggage" to all at Cashel, if they would surrender (p. 471), and Carte distinctly states that as soon as he reached the church he stopped the slaughter.

It has been seen that his friends in England urged him on to the use of fire and sword (a needless point to urge, one would think, if he deserved his title of "Murrough of the burnings"), and in his own letters there is no note of savagery, but rather a tone of regret as he tells what good terms he might have had from the Irish, if he had been allowed to treat with them. There were persistent rumours at this time that he was in secret correspondence with Lord Muskery,* and Percivall alluded to the report in one of his letters (p. 430). A detailed description of the storming of the church of Cashel will be found on p. 471.

On November 3, Inchiquin once more marched against the Irish, "having no choice but to starve or fight," and staking all Munster upon one throw, for the loss of the battle would have meant the loss of the province. On the 13th, the two armies met at Knocknenoss, and for two hours' space there was as hot an engagement "as ever was fought in Ireland." The enemy were said to have lost four thousand men, and although only about eighty of the English were killed, they had many wounded. Lord Inchiquin "carried himself so gallantly" as to win general applause, and his officers hoped that the Parliament would at last believe in the fidelity of the Munster forces (p. 483).

This was the last news sent to Sir Philip Percivall from Munster, and when it was written, he already lay dead. The next letter from Inchiquin is to Lady Percivall, lamenting the death of his dear friend, and thus, with affectionate offers of help to that friend's widow and children, Lord Inchiquin drops out of the story. There are many notices of his eldest son,

* *See* Carte's *Ormonde*, ii. 7.

"little Will," who, with Col. Jephson's son Jack, had been under Percivall's charge in England, and who, in 1647, was about nine years old; notices of his school work, his clothes, his visits to the Bath, the ill-behaviour of his "servant" or tutor, and (as we have seen) his suggested employment as colonel of a regiment to go to France. The boy had a chequered after history, was the subject of many quarrels between his father and mother when Lord Inchiquin joined the Church of Rome, was captured by the Moors and long detained by them as a hostage, became governor of Tangier and succeeded his father as Earl of Inchiquin. He married the daughter of Lord Broghill, the old antagonists, Broghill and Inchiquin, having, in their later years, become comrades and firm friends.

At the time of Sir Philip Percivall's death, his eldest son, John, was just eighteen years of age. When his father settled in London, in 1644, "Jack" was sent to Westminster school, and thence to Magdalene College, Cambridge, where he applied himself diligently to his studies. Letters from college friends who became of some note in the academic world will be found on pp. 491, 492. From these we learn that in January 1649-50, John Percivall had left Cambridge and entered himself at Lincoln's Inn. During his minority, his estates were managed by his uncles, Sir William Usher and Sir Paul Davys. Their task was made difficult by want of ready money, and they were unable to pay off Sir Philip's debts, although if all the money due to him had been paid in, it would have amounted to a large fortune (p. 501 *et seq.*).

On coming of age in September 1651, John Percivall took his affairs into his own hands, and managed them with prudence and care. He refused to marry, on the ground that in the present state of his finances, marriage would only bring down "the black fiends of ruin and misery" not only on him but on the lady of his choice, while he preferred rather to "hug his poverty" than (for the sake of money) to become a slave to one whom he did not love. His best hope for the future lay in the kindly feelings shown towards him by the Cromwell family. The Lord General promised him letters to Lord Deputy Ireton when he went over to look after his estates (p. 501), and there are many allusions in the

correspondence to Henry Cromwell's friendship and help.* In November 1649, when the Munster garrisons revolted to Cromwell, Capt. Hodder, the Percivalls' steward, was "a chief instrument" in the business at Cork (p. 491), and by request of the inhabitants was appointed colonel of the forces in the town. He employed all his influence to protect Percivall's possessions, but, for the time, there was little to be done. The charges for Cromwell's army were so great that it was hard work to persuade the tenants to cultivate the land at all; many forsook the country, leaving their grounds waste, and Hodder himself had land which he dared not own, as the charges would be more than he could make of it. He had only preserved the castles by letting Irishmen live in them, else they had been burned long since, and now he feared they would go, as the Lord Lieutenant was "minded to destroy all castles." The ravages of the plague added to the poor tenants' distress, but when it was possible they were persuaded to stay on the land and plough it, to give a chance of making some profit hereafter (p. 496). In 1651, Percivall's castle of Bregoge was burnt, and Liscarrol betrayed and partially destroyed (p. 500). In this same year, the negotiations for a new charter for Cork were being carried on by Val. Savage. He met with many difficulties and delays, but at length brought the matter to a good issue.

In September 1652, John Percivall went to Ireland, travelling in the train of Lord General Fleetwood. At this time, although his Irish possessions amounted to the immense total of seventy-eight and a half knights' fees, he had never received a penny of income from them, and in the year 1651-2, the charges were

* It should, however, be noted that the authors of the *House of Yvery* very much exaggerate the importance of Percivall's position in regard to the Cromwells, and often evolve a long story from the most casual allusion. Thus, the authority given for the statements on p. 342 of Vol. II. in relation to Fleetwood is merely the latter's letter (not to "the government of England" but to Col. Phayre), calendared on p. 523 of this Report; and the assertion that Oliver wished Percivall to be a member of his House of Lords rests on no better foundation than the letter calendared on pp. 548-9, a letter written three years before that House was erected. There are mistakes of the same sort in relation to Sir Philip Percivall, as for instance in the account of Pierpoint's grief after his death. The reference given is to a letter from Percivall himself to Coote, the President of Connaught (see p. 435 *below*), which does not in the least bear the meaning imputed to it. The references in the *House of Yvery* are usually to the Entry Book copies of the letters, but every letter there quoted is calendared in this Report, and every allusion to the Cromwells or other important personages has been noticed, and may be found by reference to the Index.

200*l.* in excess of the receipts, as appeared by the certificates of the Revenue Commissioners themselves.

There are many interesting notices in the letters of the working of the Ordinances for Adventurers' and Soldiers' lands and for transplantation. At the beginning of 1653, the Act for Adventurers was "in hand," and all who had claims were ordered to send them in (p. 516). In May, Percivall got an order from the "Commissioners for settling Proprietors in their waste lands" to have those belonging to himself "at a certainty," and went into Munster with a recommendation from Col. John Jones (Cromwell's brother-in-law). His mother advised him to lay out no money until the "Tories and wolves of all sorts" were rooted out, but the Tories were, he thought, no longer formidable, as many of their officers had been taken and hanged, others were about to be sent to Spain, and almost all were now desirous to come in (pp. 519, 520). The four-footed wolves were, however, very far from being "rooted out," as appears by the Irish accounts of that time.

By "struggling hard," Percivall got the authorities to extend the permission given to himself to all others in similar case who had been constantly faithful to Parliament, if it could be done without injury to the Revenue. An inroad upon his lands by those old foes of his family, the Stapletons, soon showed him how closely he needed to guard his newly-recovered property, and although his mother was urging his return to England, he feared to leave. In this difficulty he wrote to General Fleetwood, praying for an order to the commander in Munster to protect his "shattered interests" in his absence from the malice of the Irish gentlemen, who had still a powerful influence in the country, and a great aversion to English planters (pp. 520, 521). He obtained the letters he desired, but his cousin Dobbins strongly advised him not to leave Ireland "in this nick of time," seeing that all claims to forfeited estates had to be made good within forty days after the publication of the Act. In September, "all the country were summoned to put in a second claim to what estate every man had" in county Cork, and ordered to bring their deeds to prove their rights. It would be very necessary, one of Percivall's agents told him, for the writings to be there at any rate "before May next, when the transplantations will be," as when the disposing of lands to the soldiers, &c., came on, there would be a strict examination of titles (p. 526).

At the close of the year, however, Val. Savage, then in England, wrote to Percivall that he ought by all means to come over, "now that Sir Robert King and Col. [Henry] Cromwell are of the Council of State and your friends." Moreover :—

"Your friend, Colonel Cromwell, hath on the matter at present the managing of all businesses of the three nations put into his hands, the better to fit and prepare him for the future, and now, were you here, would you without doubt get your accounts ordered to be stated and satisfied in Irish lands" (p. 528).

Meanwhile, Lieut. Beare, the agent in Munster, was making great efforts to get a little rent from the tenants there, although proclamations prohibiting the sale of beer and ale had so "extremely deaded the trading of corn and other commodities" that he was sorely puzzled how to manage it. The poor tenants made most heavy complaints, but he had forborne as long as he could, and meant to get an order to distrain for the last rents before the transplanting began, as, for aught he could see, next year Percivall might have no tenants at all, "by this last proclamation of transplanting, which clearly extends to all papists without exception" (p. 530). This being his belief, it must have been with a somewhat uneasy conscience that Lieut. Beare, a month later, "fed the tenants with sure promises" that Percivall had a full toleration, and that they would none of them be transplanted at all; but without this assurance not one of them would plough or sow a single ridge of ground. They only half believed him, but it encouraged them to "go on." As it turned out, his words proved truer than he knew, for in February 1653-4, John Percivall wrote that by the last order touching transplantation it was "not intended that any should be sent into Connaught but the proprietors and soldiers"; the rest were to stay, and Percivall believed would continue to stay; at any rate, no immediate measures were taken for their removal.* Percivall was still anxious about the claims of the Irish owners on his lands. The Commissioners desired to be satisfied "whether, in the instrument for passing defective titles, there was a saving of all third persons' rights." He was very sure there was not, in the case of plantation lands, for, if there were, "the descendants of the ancient proprietors would have a perpetual claim on foot," which would perplex, if not utterly hinder, the several plantations (p. 535).

* *See* Dr. Gardiner's article on *The Transplantation into Connaught*, in Vol. XIV of the *Eng. Hist. Review*.

Another cause of anxiety in Munster was the large amount of Mexican or Peruvian money in circulation. "We have not a penny," Beare wrote, "but base new perus, that passes amongst us altogether in these parts." The fear was lest they should be repudiated by Government and left worthless on their holders' hands; therefore he prayed Percivall, if he heard anything "of crying down Perus," to give him timely notice (p. 537).

By this time, more of the Munster Tories had come in, bringing (if Beare is to be believed) "the heads of the rest" as a peace-offering. Only Kaskey, their leader, stayed out, and shortly after, he too surrendered (pp. 533, 535).

On December 17, 1653, Sam Percivall sent his cousin an account of the dissolution of Parliament, "partly per consent, partly per force; the high flying designs of the greater number for subverting the ministry, tithes, law and what not [having] enforced the General to take the power whereby they sat from them." In a postscript, he describes the inauguration of Cromwell as Protector, "with no less state and magnificence than any former Kings have used"; a statement applicable rather to Oliver's second installation than to his first. In the Court of Chancery, Percivall continues, the new Protector "ratified (I know not what to call it) an instrument of three or four skins of parchment, covenants, I suppose, for his Government" (p. 531). Percivall's word was not ill-chosen, for the document has been known as the Instrument of Government from Cromwell's time to our own.

A month later, William Dobbins told of the "good forward settlement" of the Civil Government and the Protector's household; the new Act, "declaring what is treason," and other matters. The Lord Henry Cromwell, he wrote, was John Percivall's "noble friend," and a good friend to Ireland. "The great lot[tery] between the soldiers and Adventurers, for baronies in the ten counties" had been that day drawn at Grocers' Hall, and the Parliament men of Ireland were nominated a Committee to treat with the Adventurers and drive on the business. At the end of his letter, he mentions that "General Monck goes commander-in-chief for Scotland"—an appointment bringing with it consequences of which no one then dreamed.

In the spring of 1654, Henry Cromwell went over to Ireland, and much was expected from his presence there, but he made so short a stay that nothing could be done:—

"As though his errand hither were (as indeed it was) only to know the tempers of men and their conditions, and return with a true account thereof to his father, who, till his arrival, was thought not to have a perfect relation of things and persons. A short time will produce much, and perhaps you may hear the young gentleman is declared President of Munster, and then it will be in his power, as now it is much in his professions, to do good to the poor people of Ireland" (p. 539).

In May, John Percivall came to England, bringing with him a "general petition" and also a scheme for an Act of Oblivion for Munster, and the letters for the next few months are much occupied with these matters. An account of the progress of the "Act," as it is called, is given on p. 544. Vincent Gookin (afterwards well known for his tract on the *Great Case of Transportation*), a man "in good esteem" with the Cromwell family (p. 534), presented a petition to the Protector; this was referred and re-referred, and finally an ordinance was drawn up by Gookin, approved and read in Council, and a day appointed for its second reading. "That time being come, the ordinance was called for, but first it was mislaid and then 'twas lost." The original had been sent to Ireland by Gookin—who, believing his labours to have arrived at a good conclusion, was on the point of going over himself—and the whole business was in danger of collapse, when it was happily discovered that John Percivall had a copy of the document (pp. 544, 545).

The Irish petition, meanwhile, hung fire, as its promoters were anxious for it to be presented to the Protector by Henry Cromwell, who was out of town, although "for every hour of this fortnight past" his mother had expected him. Percivall was troubled by the delay, as the affairs of Ireland were just then under debate in Council, and might not easily be brought forward again at a later time. After writing of this, he tells of a fracas in the gallery at Whitehall, where Col. Richard Ingoldsby (Richard Cromwell's Dick Ingoldsby, that could neither pray nor preach) gave an Anabaptist a box on the ear for declaring that the saints would suffer, if he (Ingoldsby) was made knight of his shire (p. 545). This is, no doubt, the exploit alluded to by the writer of *A second Narrative of the late Parliament* when he said of Col. Ingoldsby that he was "not very

famous for any great exploits, unless for beating the honest inn-keeper of Aylesbury in Whitehall."* It may be noted that this account of him mentions a common report "that he can neither pray nor preach," so that Richard was quoting an expression current in his father's time.

In November 1654, John Percivall wrote to his brother-in-law, Col. Clayton, that the House of Commons was now "upon debating of the report of the Committee concerning the Government," so that no private business was likely to be heard; but it was hoped that the Protector and Parliament would "walk hand in hand better than it was lately feared they would" (p. 561). On October 18, a committee of the whole House had resolved that the Protectorate should be only elective. The resolution, as Dr. Gardiner has pointed out, was almost certainly taken with Oliver's approbation, and this view is borne out by a letter to Percivall from Col. Clayton (p. 562).

On January 8, 1654-5, Percivall mentions the fresh plot against the Protector, in which the Vernons of Staffordshire were implicated, and in the same letter, he says:—

"Our Parliament draw near their end; after the 20th of this month they sit at mercy, but I hope before that time there will be so good a correspondence between the Head and the members that all things will be settled" (p. 563).

The official prints had, a day or two before, alluded to the possibility of Parliament ending in January (*i.e.* at the end of five lunar, not five calendar months) but this letter of Percivall's rather supports the view that it was a recognized contingency, not an unlooked-for result of Oliver's dissatisfaction.

In the summer of 1655, John Percivall accompanied Henry Cromwell to Ireland, and had now better hopes of making something out of his property. His brother-in-law, Col. Clayton, was especially sanguine, and drew a rosy picture of him as a "Prince Palatine of Trim Clancarty," where he had "an unknown treasure of wood and mines, besides tanning and many other beneficial projects" (p. 561). There had been a considerable effort made to reduce the contribution for the army in Ireland from 10,000*l.* to 8,000*l.* a month, for which change an order had been issued in England but not sent over. The

* *Harley Miscellany*, Vol VI., p. 498, ed. 1810.

authorities in Ireland, however, declined to take any notice of it until it actually reached them. The inequality of the assessments for this contribution were much complained of, as also the fact that the rate demanded was higher than when the contribution was thirty thousand pounds instead of ten (p. 565).

John Percivall was still unmarried, a proposal in regard to Sir William Fenton's daughter having fallen through because Lady Percivall demanded a larger dowry with the lady than Fenton was prepared to give (p. 499). In the autumn of 1655, however, he wooed and won Katherine, the only daughter of Robert Southwell, Esq., of Kinsale (pp. 568, 569), and they were married in January 1655-6. His friend Dobbins sent him a letter of congratulation and advice, and especially warned him not to meddle with building, nor to be enticed by the common bait of good bargains of land. At Kinsale, he wrote:—

"You are in the securest harbour in Ireland; lie snug there, and talk of a new house, a journey to Dublin for your wife, and a new coach, for three or four winters to come . . . . Let Castlewarning building stand still awhile, and erect nothing but little houses for tenants. I know you will say, land is cheap now, and soldiers' and Adventurers' lands will rise; but if so, yours will rise too, and so you will be able to give more without prejudice. Your father gave ten pounds for as much as Lord Cork gave one pound for, yet look upon your father's improvement" (p. 575).

And again,

"Be not too hasty in building or draining. Put not the cart before the horse . . . . I fear we see not yet the end of our troubles" (p. 579).

This was in September 1656, just after the assembling of the Protector's second Parliament. Of this, Dobbins wrote:—

"Many of the Parliament men which were elected and returned are kept out of the House (a hundred or thereabouts). No particular charge as yet against them, but by the Instrument of Government the Council is to allow or disallow of who shall sit in Parliament, and they have ordered it that such and such men shall have no tickets from the Clerk of the Crown (*sic*) to sit; such fiery spirits as Heselrige, Cooper, Wittrong, Berkeley and others, that would make disturbances in the House if they were in; and many men are glad of it, for now we have hopes they will agree and keep peace that are admitted in" (p. 579).

With the early days of the New Year came the "discovery of a dangerous plot to destroy the Lord Protector," and now it was "suddenly to be put to in the Parliament concerning naming a successor, and some other alteration it is thought; whether he to be king or no is not known publicly" (p. 581). There are no allusions to the lengthy discussions on the question of Kingship, and the next notice is an announcement of

"The event [*i.e.* issue] of the grand deliberation which has kept the whole Christian world in suspense until Monday, ten o'clock [May 24, 1657], when the

Parliament met his Highness in the Painted Chamber and made good their first offer to him with the name of King under the style of Protector, which he accepted (p. 502).

In December 1657, renewed reports of Kingship are alluded to. "If his Highness be king the next session (as there is very much likelihood he will be, and some fore-running signs of it)" it might, it was thought, be the hopefullest way of settlement (p. 593). In the following May, Dobbins had heard that a fresh Parliament was resolved on, "but whether in July or no is yet uncertain" (598).

There are no letters in the collection written at the time of the Protector's death, and only two or three casual allusions to it afterwards. The next notice of public affairs is in March, 1658-9:—

"The Commonwealth's party get ground apace, and the other house is at a stand, and very many judicious men conceive there will be an overturning again. Besides, foreign affairs look very ugly and dangerous towards us. The French and Spaniards have concluded the peace [the Treaty of the Pyrenees] certainly, as it is reported and feared. . . . Our fleet is gone to the Sound, and we not ten ships left to defend us. If the Dutch should show us a trick at this nick of time, God knows the issue only" (p. 602).

In May 1659, there is an allusion to the fact that the Government is now "changed from a single person to a Commonwealth," bringing a need for new commissions to office-holders, all the old ones being made void (p. 606); and finally, there are two letters telling of "the greatest show that ever England saw, . . . his Majesty's gracious entry;—with joy" "so transcendantly expressed" that all foreigners were "in a maze at it," as they well might be; indeed we know that King Charles was in a maze at it himself—and a mention of a report that the Portugal Infanta was to be Queen of England, adding the somewhat inaccurate information that she was very rich, having three millions of her own, gained by trading, and that she would probably relinquish her religion (p. 617).

These scraps of news were sent to John Percivall in Ireland, at first to Kinsale, where, according to his cousin Dobbins' advice, he had settled for awhile in "snug harbour," though he had ignored another part of the advice, and was already "up to the ears" in building (p. 583). At Kinsale in January 1656-7, his eldest boy was born (p. 581) and named Philip after his grandfather. There are several notices of little "Philip Oge" in the letters. When he was about two years and a half old, his

grandfather Mr. Southwell wrote an enthusiastic description of his wonderful precocity at his play; he did not believe that ever a boy in Ireland had been able to handle a top as he did, "giving the maids garters" if they interrupted him, and using to it the same menacing word that his father did over him when he handled the rod (p. 607). In amusing contrast to this is the mother's account of her darling, sent to her brother in Paris:—

"Phil is now able to say all the Lord's Prayer by heart and part of the Creed, . . . and he begins to learn some French, that he may be able to salute you in that language when you come home" (p. 608).

In April 1657, John Percivall was appointed a commissioner for "letting and setting the parochial tythes and glebes in county Cork," for the better maintenance of the "ministers of the gospel" there. In this same year, there was an inquisition held at Cork to find who had been in rebellion and who not. Col. Muschamp was summoned to be of the jury, and rode all night for fear of being late, but when he discovered what he was wanted for, he "made bold with God Almighty" and feigned himself sick, in order to escape the invidious task (p. 588).

Percivall being now settled in Ireland, wished to dispose of his Somersetshire estate, and after some delay, his cousins, William Dobbins and Sam Percivall, managed to obtain 2,200*l.* for it from one William Vanham or Vannam, esquire, of London. They thought the bargain no ill one, as the manor had been much "blown upon" and mostly consisted of reversions; but although they had been instrumental in selling their cousin out of England, they hoped hereafter to help to settle him there again (pp. 601-2).

In the summer of 1658, John Percivall received the congratulations of his friends on the "late honour" conferred on him, he having been knighted by Henry Cromwell (now Lord Deputy) on July 22. He was at this time busy in county Cork in "two weighty businesses, the one of transplantation (by special command of his Excellency), the other concerning the uniting of parishes," probably in connexion with the earlier commission mentioned above. The county, he wrote, laboured under one great grievance, viz.:—

"The frequent returns of the great Dons of the transplantable persons, who commonly once a quarter flock hither, attended with a crew of rogues which monthly passes and receive their contributions from former followers, those who at present inhabit on that which was their estate; by means whereof, great stealths are committed and continuance alive amongst the people of their ancient lordly power, the breaking of which [he supposes] was one great end of the transplantation" (p. 600).

A second son, Robert, was born in February of this year, of whom, when he was about a year and a half old, his father wrote that he was a lusty boy, "cut out for a swordsman" and with a hand already like a faulchion. The father little knew how sadly prophetic his words would prove. In his wild boyhood, Robert Percivall is said to have fought nineteen duels, and, before he was twenty, he was found lying dead under the maypole in the Strand, with his bloody sword by his side. How or by whom he was slain was never known (*House of Yvery*, ii. 369, 370).

In May 1659, a little daughter was born, but apparently only lived a few days, and is said to have been "handsomely attended to her grave with a dozen or sixteen couple of small young virgins" (p. 605). In the following November, writing from Ballymacow, Sir John says that "the building of their small nest" has given them much to do. The authors of the *House of Yvery* state that Sir John took up his residence at Liscarrol, but the letter given as authority for the statement contains nothing about it, nor is there any confirmation of it in other papers.

Upon the appointment of the Council of State, preparatory to the return of the King, Percivall was made a member of the Council of Munster (of which province Lord Broghill was constituted President); and at the same time was re-appointed clerk of the Crown of the Court of Upper Bench &c. in Ireland, the office which had descended to him from his father. He declined to go to England at the time of the King's arrival, and his friends feared that he would not take proper means to secure his interests. His cousin Sam Percivall wrote to him,

"Your retiring of late (I mean since the Protector's exit) will argue you no fanatic, so as it detain you not from appearing (and that vigorously) now the royal game is a-playing. That Protectorian badge you have received [*i.e.* his knighthood] I wish you could as silently lay down as 'twas publicly taken up. This being impossible, . . . there's no way to hide the copper of that coin but by new gilding it over."

The gilding proposed was the patent of a baronet, which Sir John was strongly advised to apply for, as also for a grant of his father's offices under the Crown in Ireland, and it was hoped that Lord Ormond might be willing to use his influence, if reminded of all Sir Philip Percivall's engagements on his lordship's behalf (p. 612). For the issues to these applications, the reader must be referred to the next volume.

As regards the other members of Sir Philip Percivall's family, the notices of his wife (or rather of his widow, for there is little mention of her during her husband's life), give us a picture of a somewhat impatient and imperious "little lady" (the name by which she is usually designated in the correspondence), rather fond of show, and very much set on having her own way. The authors of the *House of Yvery* describe her as "a woman of a very great spirit and high resentments, which led her to expect too much of her husband's family, and to be too easily discontented with their conduct to her." This is carried out by a letter from her daughter Anne to Lady Percivall the younger, written in 1675 (but bound by mistake in the volume for 1645). After thanking her sister-in-law for kindness such as she had never received from her mother, she continues, "but she has ever been at this rate with me, and, dear sister, you have reason to know her violence where she sets on, though she have no cause for it." The poor lady had, however, had a very sad and anxious life.

After her husband's death, she was accused of being a malignant and a Papist, and it was said that, before her marriage, she had been waiting gentlewoman to the Duchess of Buckingham, but these statements were disposed of by a certificate from some of the leading men in Ireland, declaring that she was brought up by her grandfather, Sir William Usher, and carefully trained in the Protestant religion; that she remained in his family until her marriage, and that she had continued a constant and zealous Protestant ever since (pp. 495-497).

Sir Philip's second and third sons died in infancy. The fourth, Arthur, was a delicate boy and died of consumption in February, 1653-4 (pp. 537, 538). He had followed his brother John to Magdalene College, Cambridge, in 1649-50 (pp. 492, 493), and about the same time, was proposed as husband to his father's ward, Anne Casie, he being then only sixteen years of age; but the young lady—aged fourteen—declined the alliance (p. 491). He is probably alluded to in a letter of William Dobbins' on p. 525.

The fifth son, George, went to Christ Church, Oxford, where he matriculated on April 1, 1656. He had an exhibition of 25*l.* a year from Westminster School, and "so much," their cousin Dobbins remarked, his brother must also allow him, "to make

him live comfortably and cheer up his spirits." Even at the then value of money, 50*l.* a year was a modest allowance, and the following year Dobbins wrote that he must have five pounds a year more, as his disbursement for books ate up half his exhibition (pp. 576, 585). The young fellow wrote very gratefully to his brother, acknowledging frankly that his former allowance was enough to live on, for "though some have more, many have less," but thanking him heartily for the increased income. His degree, he said, was about to be conferred on him in "the House" [a rather early example of the colloquial use of this term] but not until next Lent in the University. John Percivall had congratulated him, the year before, on being "within smell of Lincoln's Inn," but George's tastes evidently did not turn in the direction of the law, for he writes that his tutor reads nothing with him but "anotamy," and he is anxious to get his degree, that he may "fall the harder to this pleasant study" (p. 589). In the autumn of 1659 he had a severe illness, which threatened to be consumption (pp. 609, 610). From this, however, he recovered, and after taking his M.A. in 1660, he went over to Dublin and there became Registrar in the Irish Prerogative Court.

Sir Philip's eldest daughter was a high-spirited lively girl, with a strong will of her own. She set her affections firmly on a young soldier of royalist extraction, Col. Randal Clayton, but as he had a very small estate, and that under sequestration, his suit was at first looked coldly upon, both by her mother and her brother (pp. 502-513, 516-518). Happily for the lovers, Clayton was a favourite with Cromwell, who interested himself in the young man's behalf, and saved his estate.* Having overcome the opposition of her family, Judith proceeded to make ready for her wedding, and her letters to her brother and Mr. Dobbins throw an amusing light on the toilet of a young lady of that day. She mentions with the utmost frankness the contents of her wardrobe, explains that "from top to toe" she must be refurnished, and begs for money to buy linen with, as if left to the last, all her things must be put out, "which is no good huswifry," whereas now she has time to make them herself, "which must

* *See* the letter on his behalf in Carlyle's *Letters and Speeches*. We learn from a bond amongst Percivall's papers, that he was the eldest son of Laurence and Alice Clayton; their other children being John, Elizabeth and Catherine.

be smocks, aprons, cuffs, handkerchiefs (neck and pocket), night clothes and a white petticoat or two" (pp. 522, 529). In response to these very reasonable demands, Dobbins sent her ten pounds, and a little later twenty more.

Meanwhile, Judith's hot indignation had been excited by the Act making Civil marriages compulsory. If she had to be married only in that way, without the other, she protested, she would never be married at all. A further difficulty arose from the fact that for some reason—possibly fear of trouble in relation to his sequestration—it was difficult for Col. Clayton to come to England, and both he and her brother wished Judith to go over to Ireland and be married there. But on this point mother and daughter were at one. Either Col. Clayton should come and fetch her or he should go without her. They were married in London early in 1654 and seem to have lived happily together, though often in want of money.

Sir Philip's younger daughters are hardly ever mentioned, but in the last document of this volume there is an allusion to Dorcas's prospective marriage.

Of Sir Philip Percivall's friends, one of the earliest was probably Lord Wentworth, afterwards Earl of Strafford, but there is hardly any mention of him in these papers, beyond a few sympathetic allusions at the time of his trial.

Sir Philip's intimacy with the Earl of Ormond must have been pretty close, judging by the numerous bonds which he signed for the Earl, bonds which caused him considerable anxiety at a later date; but the two men drifted apart as time went on, and the only really unamiable trait in Sir Philip's character shown in these papers is his statement with regard to Ormond calendared on p. 354. Probably at this juncture—the beginning of 1647—Percivall was estranged by Ormond's supposed inclinations towards the Irish, for later he seems to have been quite friendly with him again, and even to have wished him to return to the Government of Ireland.

Percivall's relations with Sir William St. Leger and Lord Inchiquin have been already noticed. Perhaps his most intimate friend, apart from his family connexions, was Col. William Jephson of Froyle, Hants, and Mallow, co. Cork. Jephson's Irish property came to him from his mother, the daughter and

heiress of Sir Thomas Norreys. After her death, his father married again, and by careful comparison of data, it becomes evident that the second Lady Jephson was the widow of (1) Richard Gifford, Esq., of Castle Jordan, and (2) Sir Francis Ruisshe. The Loftus papers plainly show that the widow of Gifford and of Ruisshe was one and the same lady, and that she became Lady Jephson, and the missing link is supplied by a letter in this (Egmont) collection, in which Sir John Gifford speaks of Col. Jephson as his brother (p. 423). Col. Jephson's zeal for the affairs of Ireland is amply shown, not only by these papers, but by the State Papers of the same date, and he was recognized as a man of weight and position. Inchiquin, as has been seen, desired him to be his successor in Munster, and Col. Dalbier, while objecting to go to Ireland in a subordinate position, was quite willing to serve under Jephson, he being "a man of land and of the House" (p. 404). These facts effectually dispose of Ludlow's ill-natured assertion that Cromwell only chose Jephson as envoy to Sweden because of the Colonel's action in regard to the Kingship question.

The Col. Dalbier here mentioned is the Dutch officer who, until Mr. Firth discredited the assertion, was generally supposed to have been Cromwell's instructor in the art of war. In 1647, it was proposed to send him to Ireland, and Percivall wrote to Lord Inchiquin on his behalf :—

"He is conceived to be a soldier and a good fellow, and, if kept to his work, of good use, being his craft's master. . . . He hath been accounted extraordinary at quartering of horse or foot. I believe he looks to be a general officer" p. 389.

Holles, Stapleton and Clotworthy also wrote in his favour, and Inchiquin was very willing to receive him, having heard much of his gallantry from some who had served with him, but there were difficulties in finding a fit post for him, and the matter dropped.

Other personal friends of Sir Philip Percivall were William Dobbins of Dumbleton, Col. Thos. Pigott of Long Ashton and Thos. Bettesworth of Mallow, whose letters have been repeatedly quoted above. Dobbins was a connexion, having married the daughter of Edmond Percivall of Ringwood. His letters are interesting and lively, and on p. 570 is a humorous account of a wild goose chase on which he was sent, in search of a rich old gentleman at Wapping, who, it was thought, might

prove useful to the family, but who turned out to be a very poor man, surrounded by a slatternly and ill-clad family, and earning a precarious livelihood by drawing maps for sailors. See also an account of Edward Stillingfleet, afterwards Bishop of Worcester, who married Dobbins' daughter (p. 613).

Of John Percivall's friends, the most interesting is Robert, afterwards Sir Robert Southwell, who appears in these pages as a young man of amiable disposition and studious habits, but of very delicate health (pp. 583, 585, 593, 598). His family thought that he was much too fond of doctors, and John Percivall declared that he had almost poisoned himself with the medicines he had taken, and would have been far better with only "kitchen physic" (pp. 607, 608). In 1659 he went abroad, and an interesting letter written by him in Rome will be found on p. 615.

When John Percivall was studying at Cambridge, he took up the subject of his family pedigree and coat of arms, being puzzled by certain discrepancies between the arms as described by Edmond Percivall, as painted on the escutcheons at his father's funeral, and as depicted on an old seal in his possession. Edward Norgate, Windsor Herald, was applied to, and made short work of the testimony of the "escutcheons." The ignorance of a painter could easily, he observed, bring about such a miracle as to falsify a coat. He gave them the correct coat as found in the office, "argent on a chief indented gules, three crosses patés of the first," but could find no trace of either motto or crest. As to the former, there was no reason why they should not assume one, "provided it allude to the arms, either the colours or charge; as either to the candour, purity or sincerity of the silver field, or the crosses . . . planted in or about a bloody and indented chief." In regard to the crest, there were hundreds of coats which had none, and inquiry must be held whence it came, as many had no more authority than the painter's fancy (pp. 487-489). The sequel of the story is given in a letter from Sam Percivall (then "an ancient but intelligent gentleman," as Sir Robert Southwell described him), to John Percivall's son, Sir Philip, in 1675.

"There was a double mistake committed; one in my father's [Edmond Percivall's] narrative, the other in the funeral escutcheons. . . . By the diligence of one of the ablest heralds we found out our true coat, and ever after rested satisfied with that discovery. By consent, your father and I resolved to assume this motto, *Sub cruce candor*, and I intended to have had it registered in the Office, but the rudeness of those times, regarding neither gentility nor honour, made us desist."

One point more remains to be mentioned, *i.e.* the spelling of the family name, regarding which the different branches held quite contrary views, and held them so strongly that they not only signed their own names but addressed all their relatives in the form which they themselves preferred. The most usual was certainly "Percivall." This was used by the Ringwood branch of the family, and in the letter above quoted, Sam Percivall said that they had this warrant for it; that in the library at Salisbury House, he had found "an old moth-eaten book," wherein was a list of the chief followers of William the Conqueror into England "and in letter P was our name exactly as I write it." This spelling was also that most commonly employed by the correspondents of the family. Sir Philip and his wife, however, invariably wrote "Percivalle," and their son John as invariably "Percivale," while James Percivall of Weston, representing the senior branch, declared that all these forms were wrong and that the only true spelling was "Parsyvall," that being the name of the little *vill* in Normandy from whence they came. In this introduction and in the index, the form "Percivall" has been employed as being that which most usually obtained, but in the Calendar *all* names are printed exactly as spelt in the documents themselves.

In addition to the family correspondence of the Percivalls, there is, calendared in this Report, one volume of very different character, and of great importance. This is the original entry-book of the Court of Castle Chamber (or Star Chamber) in Ireland, for the years 1573-1620, containing its decrees, and, usually, a full statement of the case in which the decree was given. The early entries are all signed by the Lord Deputy and such members of the Court as were present at the sittings. From 1582, the names are usually written in by the clerk, and the entries are not signed. In view of the fate which has overtaken so many of the Irish Records and State Papers,* it is matter of congratulation that Sir Philip Percivall kept this volume in his own hands, as, apart from it, of all the decrees of Castle Chamber for the space of fifty years (excepting a few stray ones, preserved by copies) no record has remained, save the bare entries of the money fines in the Memoranda Books of the Irish Exchequer.

* *See* Preface to the 1st volume of the Calendar of State Papers, Ireland, James I.

The cases brought before the Court of Castle Chamber were of a very varied character, but only a quite small proportion of them had to do with ecclesiastical or religious matters. Outnumbering almost all the rest put together were the charges of "riot"; a broad term, including seizure of cattle, invasion of property, and assaults upon individuals. English settlers complained of the Irish, Irish of the English, and, quite as often, each of their own countrymen. Small encroachments on lands and raids on cattle, not unfrequently accompanied by a free fight, were common enough throughout Ireland, but the cases in which real violence was used were very few. Many causes were dismissed by the Court, and where the parties were found guilty, justice was usually satisfied by the payment of a fine. The fines were generally from one to ten pounds, either English or Irish money, but occasionally rose as high as 50*l.* or 100*l.* A term of imprisonment was sometimes added.

Cases of assault, especially upon officials, were punished with fines of from 20*l.* to 140*l.* and also with imprisonment.

Another common charge was against juries, for perjury. In nearly all cases, this meant a refusal to bring in a verdict of guilty against the culprit on trial, in spite—as the indictments say—of the "manifest evidence against him." The Government attempted, by means of heavy sentences upon recalcitrant juries, to frighten the Irish into less open sympathy with their friends, but not with much success, although the fines rose as high as a thousand marks, and were often accompanied by pillory and imprisonment.

The heaviest penalties of all were incurred by those who "spake traiterous words" against the Queen; the pillory, loss of ears, whipping and confiscation of lands being added to fine and imprisonment in such cases. (*See* pp. 2, 20, 22, 24, 25, 28.)

There are no accusations against Roman Catholics as such in Queen Elizabeth's reign, but early in James I.'s time the Lord Deputy's attack upon the recusant aldermen of Dublin brought several of them into Court for non-attendance at church, when they were usually fined 100*l.* (pp. 30-32).

Other indictments in the Castle Chamber were for preventing the apprehension of traitors, or allowing them to escape (p. 9); default at hostings (p. 8); extortion or exaction of excessive fees (pp. 6, 14, 27, 29); perjury (pp. 13, 23, 33); slander of the Lord

Deputy (pp. 5, 26), and forgery (pp. 17, 34). A large number of those whose sentences are recorded in this volume eventually escaped the punishments to which they had been condemned, as may be seen by reference to the lists of pardons in the *Calendar of Fiants*[*] for the reign of Elizabeth.

On p. 4 we see the beginning of the long struggle between Masterson, seneschal of county Wexford, and the sept of the Kavanaghs, which culminated in the murder of about sixty of the Kavanaghs in 1580. This is not the only glimpse we get of the dangers to which the Irish inhabitants were exposed by the animosity of English born officials.

In the summer of 1577, Christopher Barnewell was before the Court (p. 5), in relation to the protest of the lords and gentlemen of the English Pale against the payment of "cess," a matter to which there are many allusions in the State Papers of that date. On p. 7 is an account of the proceedings in Castle Chamber against the said lords, &c., with a list of the fines imposed.

In November 1577, a complaint was exhibited to the Court against their own clerk for taking improper fees. He pleaded that the rates were those "ordered out of England" and used in the Star Chamber there, but it was decreed that henceforth he was to be paid in Irish money. The officials of the Court, on their part, complained that they often could not get their dues at all, as they had no power to sue those who did not pay; whereupon authority was given for the imprisonment of defaulters, on the clerk's warrant, until they had discharged their costs and fees (p. 6).

In 1579, the affairs of the Baron of Howth occupied the attention of the Court. In May, one of his servants was heavily punished for an accusation made against his master, but, in July, the Baron himself was accused of cruelly ill-using his wife, "without lawful cause declared"; of assaulting his butler, and of beating his little daughter so severely that she fell into an ague and died. He was sentenced to imprisonment and to pay a fine of 1,000*l.*, but he was not removed from the Council, and his fine was certainly not paid at the time, for, two years afterwards, it was reduced to 500*l.* (p. 11, 15). Only three months after his

[*] Reports of the Deputy Keeper of the Records, Ireland. Nos. 8, 13 and (for Index), 21.

condemnation, his name was included in the commission of justices "to maintain the peace . . . and do all things necessary to good rule" during the Lords Justices' absence in Munster, and before long he was sitting once more as a member of the Court which had condemned in the strongest terms his unnatural and unmerciful conduct.

In January 1582, after the flight of Lord Baltinglas and Rochford, the priest, to Spain, a jury was condemned to the pillory and heavily fined for acquitting Morris FitzGerald in spite of plain proof that he had aided Baltinglas in his rebellion (p. 13).

In 1586, Henry Byrd, registrar to the High Commission Court, was accused of forging the Lord Deputy's hand to warrants, and sentenced to the pillory and a year's imprisonment,* but the decision was not unanimous, and a few months later he was declared innocent (pp. 17, 21). This affair was very much mixed up with the attack on Sir John Perrott, which ended in his execution in 1591. In June of the latter year, one John Delahide was sentenced to pillory, imprisonment, loss of one ear and confiscation of half his goods for saying that Sir John Perrott would have been enlarged long ago if he had not called her Majesty an ill-name (p. 22).

At the beginning of 1588, Alexander Plunckett, of the Bawne, was heavily punished for declaring that the Spaniards would shortly conquer Ireland, invade England and put the Queen to flight (p. 20), and in 1593 one Nicholas White suffered even more severely for publishing that there was a prophecy that O'Donnell should be King in Ireland and that "an old crown of the Kings of Ireland" had been sent for from Rome (p. 25). The O'Donnell here is Hugh Roe, to whom his father, "a most simple man," had given up the chieftainship in 1592.

On p. 28 is the sentence upon Col. Charles Egerton, Governor of Carrickfergus, for an assault on Capt. Rice Mannfyelde or Mansell. This gives Mansell's side of the case. Egerton's account of the business will be found amongst the State Papers (S.P. Ireland, 198, No. 109 1).

* *Cf.* Calendar S.P. Ireland, 1588-92, where, however, the Castle-Chamber decree is put to June, 1585, the date of a recited forged document having been taken for that of the order.

Traces of the outbreak in Munster, in favour of the Mass and in protest against King James' accession, are seen in the decree against the gentlemen of Cork who refused to find William Meagh, their late Recorder, guilty of treason (p. 28), in spite of the evidence, as the decree says ; also (as the decree does not say) in spite of most violent and unlawful courses taken to influence them and procure a conviction (*see* Cal. S.P. Ireland, 1603-6, p. 227).

At the beginning of 1608-9, the great cause between Sir Robert Digby and the Earl of Kildare was before the Court of Castle Chamber (pp. 34, 35); and in 1611, Richard, Earl of Clanricarde, brought a complaint in a very full Court against his brother, Sir Thomas Burke, of conspiring to disinherit him by declaring that he was born out of wedlock. The Earl triumphantly vindicated his parents' honour, and Sir Thomas was sentenced to fine and imprisonment for his false and unnatural reports against his father and mother, "who lived and died both virtuously before God, and in great honour and reputation in the world" (pp. 38, 39).

In 1612, probably in view of the proposed Irish parliament, concerning the composition of which great anxiety was felt, there was a renewed outburst of energy against "recusants," and many juries were punished in this and the following years for refusing to present them. And in 1616, many of the mayors, sheriffs and other officials in Munster were sentenced to fine and imprisonment for executing their offices without having taken the oath of fidelity. The Lords Justices explained their action in this matter in a letter to the Privy Council of April 25, 1616 (*see* Irish Calendar under that date), and in the same letter mentioned the decree against Lord Inchiquin which will be found on p. 45. Other offences proceeded against about this time were "horrible and false lies" against the Archbishop of Canterbury (p. 56) ; receiving and conveying letters containing matters of sedition, scandal and most wicked slander of religion (p. 57) ; counterfeiting the Lord Deputy's hand (*ibid*, *bis*) ; receiving Romish books and pictures for distribution in Ireland (p. 58), and attacking and reviling (with some very poor puns on his name) Sir Francis Roe, Mayor of Drogheda (p. 59). The latest entry is June 20, 1620, when two of the Plunckettes and Martin Bath are sentenced to fine, pillory and imprisonment for carrying

off one Margaret Cusack to be married to Martin Plunckett against her will; the Court well knowing the frequency of this offence, and believing that severe punishment given to delinquents of this kind may deter others from committing the like outrages (pp. 59, 60).

Cypher used by Sir Philip Percivall.

a	b	c	d	e	f	g	h	i	k	l	m	n	o	p	q	r	s
19	18	17	16	15	14	13	12	11	10	20	21	22	23	24	25	26	27

t	u	w	y	blanks
28	29	30	2	31-40.

41, 42 Army.
43 *Army in Munster.*
47 Lord Broghill.
56 *Connaught.*
58 Earl of Cork.
59 City of Cork.
61 Sir Charles Coote.
62 *Committee.*
63 *Capt. Choppin.*
64 *Captains.*
69 *the country.*
75 Dublin.
80 *Disorders.*
83 England.
86 Fairfax.
88 *Col. Grey.*
89 General of horse, *i.e.* Broghill.
91 the House.
95 *Col. M. Jones.*
96 Ireland.
97 Lord Inchiquin.
98 Jephson.
100 House of Commons.
101 the King.
102 *Lord Holland.*
103 *Denzil Holles.*
104 *Sir John Clotworthy.*
105 Sir Ant. Irby.
106 *Independents.*
108 London.
109 Sir Arthur Loftus.
110 *Nicholas Loftus.*
111 Lord Lieutenant.
112 Munster.
116 Col. Monck.
118 *Marquis*, i.e. *Ormond.*
119 E. of Northumberland.
122 the North.
124 Marquis of Ormond.
127 W. Pierpoint.
128 Parliament.
129 Col. Pigott.
130 Philip, Lord Lisle.
131 Sir P. Percivall.
140 President.
143 *Stapleton.*
144 *Earl of Suffolk.*
152 Sir J. Temple.
153 Ulster.
154 *Lord Valentia.*

The names printed in italics are doubtful. It will be noted that several of those in the list have two symbols; that the H's

and I's have been mixed, and that the King's name is not in its right place. These are all points such as very commonly occur in cyphers of the time (the last-named especially) in order to decrease the chance of detection.

This Report has been prepared by Mrs. S. C. Lomas, who has also written the Introduction and compiled the Index.

THE MANUSCRIPTS

OF

THE EARL OF EGMONT.

VOL. I. PART I.

ENTRY BOOK OF ORDERS OR DECREES OF THE COURT OF CASTLE CHAMBER, DUBLIN.

The first few leaves are wanting. The first entry is an undated list of thirty seven persons found guilty on some indictment not specified, with the amount of their fines. Patrick Plunkett of Tarmonfekin, gent., is fined 20*l.* sterling; the others, of the same place or its neighbourhood, are mostly described as cottiers, and are fined in sums ranging from 2*s.* 6*d.* to 40*s.*

Signed: W. Fytzwilliam [Lord Deputy]; Adam [Archbishop of] Dublin, Lord Keeper; H[ugh] Medensis; Ed. Fyton [Vice Treasurer]; N[icholas] White [Master of the Rolls]; Lucas Dillon [Chief Baron of Exchequer]; Francis Agarde.

Orerleaf:

List of forty eight persons who "confessed to be at the spoiling of the said ship," with the fines imposed, varying from 10*l.* to 2*s.* 6*d.*, but mostly in sums of one, two or half a mark.

Signed ut supra.

1573, November 4. Dublin Castle.—Decree of the court, condemning Daniel Roo and Patrick Taylor, late servants of Edward Cusack, and others, to pay a fine of 40*s.* apiece to her Majesty, and to be imprisoned at pleasure for riot.

Signed: W. Fitzwylliam, Adam Dublin, H. Medensis, Ed. Fyton, Tho. Slane, Jo. Plunkett, Lucas Dillon.

1573[-4], February 10.—William Clynch *v.* Nicholas, John, Patrick and Thomas Russell, Nicholas Russell Fitz-Thomas and John Kinsley.

Order for apprehension of the defendants and their committal to the Castle to receive such punishment as the court thinks fit for riot, and to pay costs assessed by the Lord Keeper.
Signed ut supra, and by Roland [Lord] Baltynglas.

1573-4, Feb. 12.—James Fitzgarret of Damaston, co. Dublin, *v.* Edward Fitz-Morrysshe of Blackhall, co. Kildare, gent., John Fitz-Morryshe, Edmond Keating, James Reynold, Meylor More and Thomas Wogan.
Edward Fitz Morrisshe to pay 5*l.* Irish to the clerk of the court, to give bond in 100*l.* for production of the other defendants the first day of Easter term, and to pay costs for riot.
Signed: W. Fitzwylliam, N. White, John Chaloner.

1574, April 29.—Sir Morrisshe Fitzgarold of Lecaghe, knight, *v.* Morroghe McTyrlaghe McHugh, Hugh McTyrlaghe McHughe, Caher Reagh McEdmond Carraghe, Owne McPhelym Ryoughe, Leysaghe McOwny McTyrlaghe, Phelim McBreyne, Owne McEdmond Moyle McJames, Edmond McDonell oge McAltye, Donogh O'Kelly McShane, Donoghe McTegg McDonoghe O'Kelly, Gerrott McShane McDonell, Moyle O'Kelly, Donell Bane McShane McMuroghe Duff, Owen Boye McOwen, Rorye O'Cassye; servants to Owny McHughe of Ballybryttas, with diver others who did not appear.
Defendants found guilty of riot and ordered to pay a fine of 26*s.* 8*d.* apiece Irish money, with costs, and letter to be written to the said Owny McHughe to bring them up by the first day of Trinity term.
Signed ut supra.

May 5.—Richard Fynn and John Garrahall *v.* Tybbott Walshe and others.
Defendants, accused of riot, but judged not guilty, with allowance of costs.
Signed ut supra.

May 14.—Renewed order for discharge of Tybbott Walshe and fifteen others.
Signed ut supra.

July 1.—Owny McHughe, having failed to bring in the persons named in the order of April 28, to pay all fines and costs himself by the first day of Hillary term.
Signed: W. Fitzwylliam, Adam Dublin, *custos sig.*: Jo. Plunket, Lucas Dillon, N. White, John Chaloner.

November 3.—Nicholas Ley of Waterford, merchant, *v.* James Purcell, Edmond McTheobald alias Tibbot, William Poer Mc Walter, Thomas Purcell, David Hobbeg, Conor Flynne, Dermot O'Flynne, Shane McThomas Poer, Richard Jordan, William McMorishe, Thomas Pheolan, Thomas Bwoy McMorishe O'Dowan, Morishe McEdmund Brenaghe, Shane McMorishe, Shane Moele McWilliam Poer, Richard Kealichan, Edmund McThomas Poer,

Edmund McDonill O'Flynne, Nicholas Poer, Shane O'Moriste, William McMoriste, Shane McTeig, Morraghe O'Sheaster, and Sir William Holmes.

Defendants, accused of perjury but judged not guilty, to be discharged with allowance of costs.

Signed: W. Fytzwylliam, H. Medensis, Lucas Dillon, N. White, John Chaloner.

November 5.—John Garrahall *v.* William Asshepoole of Kenlesten, gent., Edmond McSyrmourghe, Tegg McDonell, Richard Asshepoole, Dermott McDonell, Hugh McMourghe Glasse, Thomas Walche, Hugh Cullon, Thomas Moyle, Donogh Kelly, Rychard McDonoghe, James McGarrott, Tyrrelaghe Englysshe, Shane Reaghe, Shane McWilliam, Shane Kearde, Donell Boye, Patryck Duffe, William McTybbott, Hughe Fynne, Dermott Tressye, Hughe McTegg Duffe, Thomas Rowe, Dermott More, Hubbert Duffe, Edmond Carraghe, Hugh McPadyn and others.

William Ashepoole to pay a fine of 20*l.* Irish, and the other defendants 40*s.* apiece, for riot. Ashepoole to produce the rest of the defendants within a sevennight for their imprisonment, and to be answerable for the fines of such as cannot be found or are unable to pay.

Signed ut supra.

November 12.—Edmonde Butler of Callan, co. Kilkenny, and Walter Archer the younger, *v.* Thomas Rothe Fitz-Robert, John Roth Fitz-Robert, Lawrence Archer, Patryck Ragged, Walter Roth Fitz Robert, William Seix, Martyn Archer, James Garrott, James Roth Fitz-Robert, William Langton, Thomas Langton, William Comerford, John Roth Fitz Davyd, Walter Marshall Fitz Robert, Thomas Raghtor, Richard Ragged Fitz Patryck, Redmond Purcell, Elysus Shethe, Mahowne Donell, Tegge O'Bryen, Davyd Kyrryne, Patryck Kellye, William McEdmond, Mallage Roddyne, John Fitz John, Patrick Ro O'Kelly, Henry Droughe, Thomas Seix, Nycholas Ragged Fitz Patrycke, Thomas Walshe, William Marshall, John Garrott, Richard Kathewill, Robert Murfye, Walter Coursye, Nicholas Donyll Fitz Thomas, Nicholas Keoghe, Padyn Roth, Davyd Hanraghane, Patryck Fossard, Richard Flemyng, Mallache Clery, Donoghe O'Martyne, William O'Martyne, Walter Ragged, Patrick Brenaghe, Mortaghe Cormycke, Thomas Beerye, Thomyne Owre and divers others.

Defendants, being accused of riot, plead the Queen's pardon by letters patent under the Great Seal of Ireland, dated at Dublin, July 7 last [recited], and pray for discharge.

Discharged accordingly, but with payment of costs and fees.

Signed: W. Fytzwylliam, T. Armachansis, Roland Baltynglas, H. Midensis, Tho. Slane, Ed. Fyton, Jo. Plunket, N. White, Lucas Dillon, J. Garvey, John Chaloner.

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1576, August 13.—Donald O'Dolane and Redmonde O'Ferrall *v.* Sir William O'Kerroll, knight.

Order for restitution of kyne, horses, garrans, apparel and pans, unlawfully seized from plaintiffs and their tenants by Sir William, on the plea that they were the property of John Bourke; the said cattle &c. to be restored at Loraghe in Ormonde, co. Tipperary, by the last day of August, and 20*s.* sterling paid for each cow not so delivered.

With further order, that as regards the charge of rioting and wounding the tenants, Sir William is to give bond in 500*l.* for his appearance in this court the first day of the next term, and a commission is to be issued to Capt. Collyer and Capt. Strange to examine witnesses on both sides.

Underwritten:

"The number of kyne, horses and apparel taken from Donald—lxxxxvj. kine; iiij. caples, j. colt. Nine pans and the apparel of lxxxiiij. tenants. Such as is taken from Redmond O'Ferrall—lxxxxix. kyne, ij. garrans, ij. horses."

1576, Aug. 28.—Before the Lord Chancellor and Council. Thomas Masterson, esquire, seneschal of the liberties of co. Wexford, *v.* Bryan McCayher McArte Cavenaghe. Order—as regards certain lands in that county claimed by Bryan as his inheritance, and by Masterson by force of a lease from the Queen to Richard Synote of Ballibrenay, now assigned to him—that both parties with their tenants and followers are to keep the peace, and the lands are to remain in the "manurance" and possession of whoever holds them until further course be taken.

It is further ordered:—

That—as regards the murders, robberies, riots, &c., complained of by each party against the other, and also for or against the county—commissioners be appointed to examine witnesses;

That the followers of either party, being indicted for any offence, shall be brought up at the next session by the said Masterson and Bryan, who shall also be answerable for all offences committed by their men;

That the commissioners shall cause all cattle wrongfully taken to be restored;

That both parties are to appear in this court before the Lord Deputy, or in his absence, before the Lord Chancellor, on the first day of next term, to answer their offences, and meanwhile, with sufficient sureties, to give bonds in 1,000*l.* for their appearance;

That the commissioners are to examine witnesses concerning the lands of which each party claims to be now in possession and to certify all their proceedings to this court on the first day of next term;

And that if the aforesaid Thomas Masterson, seneschal of the county, shall in the meantime take Bryan or any of his followers for any felonious offences, though they be apparent, he shall commit them to gaol for trial and "not execute any of them by authority of his law marshall."

Signed: William Gerrarde, *Cancellarius*.

1576[-7], February 4.—Upon reference from Lord Deputy Sydney of complaint of Thomas, Earl of Ormond, that in spite of the orders of the late Lord Chancellor, Doctor Weston, (in his Court of Chancery) and of the late Lord Deputy Fitzwylliams, strangers unload wine at Drogheda and Dublin without paying him the prize wines due to him, and especially that the order given by the now Lord Deputy to the Mayor of Dublin—to sequester two tuns of the wine brought in by William Barenwall and unloaded on Dublin Quay before the Earl could claim his due—remains unsatisfied;

And upon the declaration of Patericke Goughe, late Mayor of Dublin, that he delivered the wine, as ordered, into the charge of Walter Goodwyne, crayner of the port, and the confession of the said Goodwyne that he had given up one tun of the wine to Nicholas FitzSymons without licence;

Order that Goodwyne be committed to the Castle and there imprisoned until he delivers the remaining tun and a sufficient pawn in lieu of the other, which pawn, in default of payment of 8*l.* for the wine, is to be sold by Gough after fifteen days and satisfaction made from the proceeds to the Earl;

With further order that no wines brought by strangers into the ports of Drogheda and Dublin shall be unloaded for three days, during which time the Earl's agents may go aboard and seal and take the prize wines due to him by the orders of the late Lord Chancellor and Deputy; but that, as the said towns have exhibited a bill for reversal of these orders, the Earl is to send his answer into Chancery before the tenth of May, or take no benefit thereby.

Signed ut supra.

February 8.—Justice Talbote *v.* Nicholas Nugente and others.

Defendants to be dismissed, the charge of riot not being proved against them.

Signed: William Gerrarde, *Cancellarius*; Jo: Plunket.

1577, May 10.—Mathew Talbote *v.* Henry Cusake and others.

Cusake to be kept in ward for eight days and until he pays a fine of 50*l.* sterling to her Majesty's use, and 17*l.* 4*s.* 8*d.* costs and damages to the plaintiff, for riot in the city of Dublin.

Signed: William Gerrarde, *Canc.*, Adam Dublin, Lucas Dillon.

June 21.—Christopher Barnwell of Arrodestowne, co. Meath, gent, to be imprisoned until June 14 next, then brought into this Court to confess "his lewd and arrogant attempt to deal or meddle in causes appertaining to the estate" and pray pardon for the same, and after, to return to ward until he pay a fine of 5*l.* for having, as foreman of a jury impanelled before the Chief Justice, "practiced and devised how he might touch and slander the Lord Deputy and Council for their proceedings with imponing of cess for the victualling of the soldiers and maintenance of the Lord Deputy's house," and (to further the ends of divers then prepared to travel to England with complaint to her Majesty), indicted the

said Lord Deputy and Council—notwithstanding warning given him by the Lord Justice against meddling with the State—for "wrongfully and extorciously" imponing the said cess; and caused a simple clerk to write under the presentment this sentence "Trissillian, in time of King Richard the second, was put to death for misconstruing the laws"; all which things are found worthy of severe punishment.

Signed: William Gerrarde, *Canc.*

[*The date, as first written, is May* 21. *This has been cancelled, and June* 21 *written at the top of the entry.*]

1577, Oct. 23.—John Pentnye of Dublin, merchant, and Thomazene "his pretenced wife" *v.* Lawrence Taafe, gent. Order for dismissal of the defendant, on a charge of taking away the said Thomazine from Dromiskine and other misdemeanors, he producing the Queen's pardon for the same.

With further order for his entering into bonds of recognizance to appear and answer any complaints made by the plaintiff in any other court.

No signatures.

November 13.—George Isshame of Brianstowne, co. Wexford, gent., *v.* William Browne of Ballrancane or Malrancane, in the same county, gent., Walter Browne, his brother, John Rochefourde of Ballelubbernaghe, Nicholas Prendercast and Phillippe Roche of Tamon [Taghmon], all in the aforesaid county.

Defendants discharged, upon payment by William Browne of a fine of 13*l.* 6*s.* 8*d.* Irish, and costs and charges to Robert Kendall, clerk of the court, for the riot complained of; in consideration that the said William Browne has made humble submission to the Court for himself and his followers, has already been ordered to pay a great sum to the plaintiff for his hurts and wounds, received in the fray, and has otherwise sustained great loss and hindrance. [*Note in margin that the fine is paid into the hands of Thos. Say.*]

Signed: H. Sydney [*at the top of the entry*], T. Armachansis, Adam Dublin, H. Midensis, J. Garvey.

November 13.—Order, upon complaint that Robert Kendall, clerk, and other officers of this Court have taken excessive fees—to which the said officers replied that the rates were those ordered and certified out of England and used in the Star Chamber there—that henceforth the fees be paid not in English but in Irish money. With further order, upon complaint of the officers that they have no authority to sue those neglecting to pay their fees, requiring the Marshal of the Court to arrest such persons, on warrant from the clerk, and commit them to the Constable of the Castle until they have satisfied the same.

Signed: H. Sydney [*at the top*] T. Armachansis, Adam Dublin, H. Midensis, Jo. Plunket, Henry Colley, J. Garvey, John Chaloner.

November 15.—Thomas Masterson, esquire, Seneschal of co. Wexford, *v.* John Archer, Thomas Hide, Robert Leonarde, and the rest of the inhabitants of the town of Rosse in the said county.

Defendants to pay a fine of 20*l.*, Irish, with costs and charges, for riot, and John Bolgiere to be sent by the sovereign of the town to the Constable of Wexford Castle for imprisonment until further order, for wounding Andrewe Codd, a follower of the Seneschal.

Signed: H. Sydney, Adam Dublin, H. Midensis, Jo. Plunket, Lucas Dillon, J. Garvey.

November 27.—Symon Gascoigne, Thomas Reagh, and William Conton *v.* Dame Allsonn Fitz Lyons, Olyvere Fitz Garalde and others.

Olivere Fitz Garalde to be committed to Dublin Castle for ten days imprisonment, and until he shall pay a fine of 13*l.* 6*s.* 8*d.*—on behalf of himself and the other defendants, found guilty of riot—with costs and charges.

Signed: H. Sydney [*at the top*].

1577[-8], February 7.—In pursuance of her Majesty's letters of Oct. 31 last—signifying her proceedings (as regards those noblemen and gentlemen of the Pale who by their solicitors complained of the cess as contrary to law and justice) and commanding the Lord Deputy and Council to call before them all such of the nobility as were at the last assembly for the cess and refused to subscribe, and also all other principal persons formerly committed for impugning the levying of the same—letters were sent to Lord Viscount of Baltinglas and others [*list as below, with the addition of Christopher Fleminge and Richard Misset*] summoning them to appear in this court on January 31 last past. Lord Baltinglas pleaded sickness, but the rest appeared, when her Highness' letter was read to them, and many persuasions used to induce them to subscribe their submission, and "in writing to allow of her Highness' said prerogative of cess." Upon their desiring time they were allowed until two o'clock that afternoon and then until the afternoon of the morrow, when they "delivered a writing which they termed a submission, neither containing matter of submission nor absolute allowance of her Majesty's said prerogative."* This being rejected, they requested a copy of her Majesty's letter, and conference with the Attorney General, and accordingly the Baron of Delven, Nicholas Nugent, second Baron of the Exchequer, John Newtervile and Christopher Fleminge, learned in the laws, conferred with the Attorney General, and a submission "with mild and qualified words" was drawn up, which Baron Delven kept for two days and then re-delivered to the Attorney "with resolute answer for himself and the rest that they would not subscribe." Upon their next appearance they offered another writing "comprising matter of uncertainty, doubt and open

* (Part of the Queen's letter and the two submissions here mentioned are amongst the State Papers at the Public Record Office, London (*S.P. Ireland, Vols. LIX.* 33, *and LX.*, 7 *and* 12, *I., II.*). *Cf.* also the Council letter to the Queen *Ibid. LX.*, 12).

evasions," and after much doubt and persuasion, they all (with the exception of Barnabe Scurlocke, Christopher Fleminge and John Misset*) absolutely refused to subscribe the submission drawn up by the Attorney General, wherefore, on February 5 they were committed prisoners to the Castle and there presently remain. And being, on February 7, brought to the Bar of this Court of Castle Chamber, are for their continual disobedience and contempt, fined as hereafter followeth, viz.:—

The Viscount of Baltinglas	500*l.*
The Baron of Delven	500*l.*
The Baron of Howthe	500*l.*
The Baron of Trimleston	300*l.*
Sir Patrick Hussey, knight	200 marks.
Sir Oliver Plunket, knight	200 marks.
Sir Thomas Nugent, knight	200 marks.
Sir William Sarsfield, knight	200 marks.
Sir Christopher Chievers, knight	200 marks.
Nicholas Nugent, second Baron	200 marks.
Patrick Nangill	40*l.*
Edward Plunkett	40*l.*
George Plunkett	100*l.*
Thomas Nugent	200 marks.
Lavallie Nugent	20*l.*
James Nugent	40*l.*
William Talbott	100*l.*
John Newtervile	75*l.*
Patrick Birmingham	40*l.*

[*The word "sterling" after each sum, cancelled.*]

Order, further, that as upon perusal of the above order the fines seem something heavier than was intended they be mitigated from sterling money to Irish, and also that the Viscount of Baltinglas pleading that by reason of sickness he is not able to travel, Robert Kendall, clerk of the Court, is to repair to him forthwith and offer him the submission, which if he refuse to sign, he is to be fined as above.

Signed: H. Sydney, Adam Dublin, Ed. Fyton, John Chaloner.

1577-8, Feb. 13.—Fines imposed, as below, upon the defaulters at the general hosting proclaimed, "for the better suppression and extirpation of the arch-traitors, Rory Oge O'More and the Connors," when the Lord Deputy and sundry of the Council "issued forth in person to that journey so far as Kylkenny . . . and caused a muster to be made of all such gentlemen and others that was bound and ought to have served with their several numbers during that general hosting." The certificate of defaulters, signed by Oliver Bamford, deputy clerk of the Check, was sent by the Lord Deputy with his letters, dated at Athy, December 20, 1577, to the Archbishop of Dublin and the other Commissioners for the safeguard of the Pale in the Deputy's absence, who issued orders to the sheriffs of the counties of Meath and Dublin, to warn

* Altered from John to Richard in the list above.

all persons named to appear and give bond to attend the Court of Castlechamber on Jan. 29 last. Upon this date, the most part appeared and had further time until Feb. 13, when they have again attended, but have failed to show cause for discharge of their default, and are therefore fined as followeth :

Barony of Skyrne. Robert Caddell of Doweston, gent., for twenty-six days default at 18*d.* per diem - - 39*s.*
The Plunketts, for twentyfour horsemen, during the whole time [forty two days] of the hosting, at 3*s.* per diem each - - - - - - - - - - 151*l.* 4*s.*
Barony of Duleek.—Olyvere Darcye of Acarne, gent., for one archer a horseback, the whole time, at 18*d.* per diem 63*s.*
Michaell Sarsfeilde of Sarsfeildston, gent., for the like, for sixteen days - - - - - - - - - 24*s.*
Christopher Fagane, of the city of Dublin, merchant, for the Lady Barnwall, late wife to Sir Christopher Barnwall, for the like, for the whole time - - - - - 63*s.*
Robert Rathe of Colpe, gent., for the same - - 63*s.*
John Feild of Painston, gent., for the same - - 63*s.*
Robert Preston of the Ynche, gent., for the same - 63*s.*
Thomas Talbott of Dardeston, gent., for two archers on horseback, for the whole time - - - - - 6*l.* 6*s.*
John Hamlyng of Smitheston, gent., for one archer on horseback, the whole time - - - - - - 63*s.*
Barony of Ballrothry.—Ann Fitzimmons and Richard Stanehurst for the same - - - - - - - - 63*s.*
Thomas Fynglas of Wespleton, gent., for the same - 63*s.*
Peter Traves of Ballecoye, gent., for two archers on horseback, the whole time - - - - - - - 6*l.* 6*s.*
Waltire Fitzimmons of Ballmadroghe, gent., for one archer on horseback, the whole time - - - - - 63*s.*
The said Christopher Fagane for the said Lady Barnwall for five archers on horseback, the whole time - 15*l.* 15*s.*
The heir of Bathe of Landeston; viz: Nicholas Bathe, for one archer on horseback, the whole time - - - 63*s.*
Jenyco Goldinge of Typpersoule, gent., for the same 63*s.*
Barony of Deece.—Christopher Fleminge of Dyrpatrick, gent., for the same - - - - - - - - - 63*s.*
Henry Dueke, gent., for the same, charged upon Richarde Crofts of Castell Jordane - - - - - 63*s.*

[*All the above amounts are sterling money.*]

Signed: H. Sydney [*at the top*], Adam Dublin, Edward Fyton, Lucas Dillon, John Chaloner.

1578. April 25.—Sir Thomas Fitzwilliams of Meryonge, knight, and John Finglas of Tobersoule, gent., trustees for Dame Alson Fitz Lyons of Porneston in the town of Bassardiston, co. Dublin *v.* William Comton, James Ryan, Thomas Man, and Mathew Duffe.

Order for dismissal of defendants, accused of perjury in the Chancery suit between the plaintiffs and one Simon Luttrell of

Busserdstown, concerning a lease made to him of the said town by Dame Alson, after the death of her husband, Roger Finglas. With allowance of costs.

Signed: H. Sydney [*at the top*], T. Armachansis, Adam Dublin.

1578, May 8.—Fines, varying from 3*l.* to 12*s.* 6*d.*, imposed upon the several members of three juries impanelled at Kilkenny before Sir W. Drewry, President of Munster, and the rest of the Commissioners for enquiring into felonies and treasons in that shire; they having returned an *ignoramus* to three bills touching Donell McShane, John Rocheforde, and Donogh Oge O'Kelly and James Shortall, although the contents of the bills were sufficiently proved, and the men had confessed their guilt in Court. Thomas Cantwell, Thomas Denn and Robert Forstall, three of the first and grand jury, whereof Gerald Blanchefeilde was foreman, are to be imprisoned in Dublin Castle until further order.

Underwritten: Lists of the three juries, with amount of fine against each name; but the fines of the first jury cancelled, with marginal note that this jury is discharged their fine.

Signed: H. Sydney [*at the top*], T. Armachansis, Adam Dublin.

November 29.—Roger Dillon *v.* John Rochforde and others.

John Rochford to be committed to ward until he has paid a fine of 10*l.*, Irish, with costs and charges, for riot committed in breaking down certain work made by Roger Dillon to convey a water-course to a grist mill in Balnedronmey, co. Meath.

With further order that the said Rocheforde cause his wife, Anne Barnewall, to appear on the first day of next Hilary term to be committed for her offence in this cause, and also that he be examined by the Attorney General upon his "book oath" as to the persons in company with his wife at the said riot.

Signed: Wm. Gerrarde, *canc.*; H. Midensis, Ed. Fyton, John Chaloner.

1578[-9], January 30.—Walter McHarbarde Fitz-Geffrye *v.* James Moyle Neugent of Donnowre, co. Westmeath, gent., Richard Neugente, his son and heir, Edward Ledwiche, of Ballenelake, Edmond Wallshe of Colaine, Walter McThebbott of Unaside, Christopher Ledwyche of Lake, Garrott Neugente Fitz Patrick, Teige Boye McEvene of Ballefurte, Cownley O'Rourke McEdmond O'Rourke, Ovin Roe of the Grandge, John McGarrotte, Richard O'Rourke, William Boye O'Rourke, Hobbert Ledwyche of Regemine, Thomas Wallshe McWalter Reaghe, Thomas McFardorghe of Arglas, Richard McFardorghe of Arglas, Edmond Oge of Colingne, Nicholas Daltonne of the Capp, Carberye McLaghlen of Trahasspycke, Malaghlen McLaghlen of the same, Donoghe Bane McDermot, Richard Ledwyche of Balleharin, Owin McHue of Donowre, Connor O'Dowde of Ballifarren, Thomas O'Kerevane of the same and Arte McGarre of the same.

Richard Neugente of Donowre, Walter Dalamare de Manyfyelde, Edmond Ledwyche of Lecarricke, Edmond Wallshe of Collane, Thomas Dalamare of Connolaghe, Nicholas Daltonne of the Porte, John Dalamare of Clonenane, and Edmond Dalamare of Culloine, gentlemen, and Carberi McClaghlin of Rathpyckes and Melaghlin McClaghlin, husbandmen, all of co. Westmeath, to be discharged, they having produced the Queen's pardon, [a][recited] but the charge of riot to be prosecuted against the rest of the defendants. *No signatures.*

1579, May 22.—Nicholas Terrell, servant to Sir Christopher, Lord of Houthe—convicted of perjury in an examination concerning the connexion of one Elizabeth Bryingham with the Lord of Houthe—to be committed prisoner to the Castle of Dublin. On Saturday the 30th inst. and on the Saturday following, he is to be delivered to the sheriff, to be by him set in the pillory for two hours, with a writing in great letters upon his head, 'for wilful perjury' and at the first time his right ear and at the second time his left ear to be nailed to the pillory "and to deliver him a knife with the same, to cut or otherwise to tear off the same." If however before each of the appointed days he shall pay a fine of 40*l.*, the nailing of his ears is to be spared. *No signatures.*

June 26.—John Fullen and Walter Foxe of Chester, merchants, *v.* Philip Lamporte, Patricke Synnott and others.

Lamporte and Synnott to be imprisoned during pleasure, and to pay a fine of 100*l.* (on behalf of themselves and the rest) as the leaders of an unlawful assembly of persons upon the sea shore, who after the wreck of complainants' ship, "some with hurdles and other carriages and some others with axes and hammers" broke and carried away parts of the ship and goods as they came to shore, lending complainants no help in recovering their property and refusing restitution.

With further order, appointing the Seneschal and sheriff of the county [of Wexford], with George Dormer and Walter Roche, a commission to call certain persons before them, find out who were present at the spoiling of the ship or received the goods, tax them towards the payment of the fine, and commit twelve of the ablest men to Wexford Castle until they enter into bonds in 40*l.* apiece for the said payments and also for their not hereafter repeating the offence.

Signed: W. Drury [*at the top*], Wm. Gerrarde, *canc.*, Adam Dublin, N. Bagenall, J. Garvey.

July 8.—The Lord Baron of Howthe being convicted of beating his wife without "lawful cause declared," but only, as appears, because she misliked his dissolute life and neglect of her, who had borne him fourteen children; the first beating causing her to keep her bed for a fortnight, and the second "ere she was well recovered of the former" being so cruel that two "sallye" rods, provided for the purpose, were both worn to the stumps, and her skin so taken away that for many days she could not abide any clothes to touch her:

[a] *See* Calendar of Fiants, Elizabeth, 13*th Report of the Deputy Keeper of the Public Records, Ireland, Appendix*, p. 84.

And being moreover convicted of cruelly beating his butler for giving his said wife bread and drink of a better sort when she was kept prisoner in a close chamber; and also of beating his daughter Jane, aged thirteen years, giving "the simple terrified girl," some say forty, some sixty strokes of the rod on her bare back, so that within two days she fell into an ague, and so died:

Decree that the said Lord of Howthe be imprisoned in Dublin Castle until he has paid a fine of 1,000*l.*, viz.: "for the first beating of his wife, 100*l.*; the second beating of her, being stripped naked, 300*l.*; and the beating of his said poor servant as aforesaid, 100*l.*; and lastly, for his unnatural, unmerciful, and vile beating of his said daughter—of which beating had she died, as was proved she did of the ague which that beating wrought her unto, he had worthily deserved the pains of death—the sum of 500*l.*"; and also until he has entered into sufficient bonds to keep the peace against his wife, children and family, and to allow his wife (who has taken refuge in her brother's house) "such portion of land and living to find herself with and bring up her children, who, as is reported, he keepeth at home without any nurture or education, and therefore not to be suffered to remain in his custody."

Signed: W. Drury [*at the top*], Wm. Gerrarde, *canc.*, Adam Dublin, N. Bagenall, Lucas Dillon, Nicholas Malbie, John Chalenor, J. Garvey.

1580, April 29.—Francis Lovell of Knocktoffer, co. Kilkenny, gent., *v.* Laurence, Adam, Geffrey, Walter, James and David Power, David Nollan, Richard Roe Brenaghe and Harry Nollan.

Defendants to be dismissed with allowance of costs, the charge of riot not being proved against them.

Signed: Adam Dublin, *custos sigilli*. H. Midensis.

1581, May 5.—Upon proof that the jury empanelled at Donboyne, co. Meath, on March 30 last, before Robert Dillon, esq., second Justice of Common Pleas, Richard Belinge, solicitor general, and Alexander Fitton of the Bectife, gent., with others, Commissioners for enquiry into her Majesty's escheats and wardships, did, on the enquiry after the death (on August 28, 1580) of Richard Lynham, of Adamston, gent., find that he had left the lands of Somerston and Turyn to his wife, Katherine Handcock, as her jointure, whereas it plainly appeared that they were held of her Majesty, by knight's service, *in capite*, and that Thomas Lynham was his son and heir, and then "within age":—

Decree that the said jurors "for their heinous and grievous offence to God, besides the great perilous evil and dangerous example to others" shall be committed to ward during pleasure and pay fines as hereafter expressed; viz., Christopher Barnewall, foreman, and Christopher Hussey, ringleader of the jury, 100*l.* each, and the rest of the jury 50*l.* apiece.

With further order that the members of the said jury shall stand in the pillory with papers on their heads, for their perjury; during the Lord Deputy's pleasure.

Signed: A[rthur, Lord] Grey [*at the top*], Adam Dublin, *custos sig.*, H. Wallop, Lucas Dillon, N. White, Nicholas Nugent, J. Garvey, Ed. Waterhous.

Annexed, petition of the jurors, affirming that being ignorant, they were led by others, and that they are poor and of miserable estate, on which grounds, acknowledging their fault, they pray for pardon.

Signed: Gerald Forster, Simon Row, Christofer Barnewall, Patrycke Pheyps, Christofer Hussey, John Ewstace, Richard Penteney, Moreshe Lee, Richard De la Sale, Patrick Ley, [Christofer Torran does not sign].

Entry of the above petition.

May 11.—Order upon the above petition, discharging the jury from the punishment of the pillory and mitigating the fines, upon their giving bond for the payment of the same.

Signed: A. Grey [*at the top*], Ad. Dublin, *custos sig.*, H. Wallop, N. White, Lucas Dillon, J. Garvey, Ed. Waterhous.

September 1.—John Fullen and Walter Fox of Chester, *v.* Philip Lamporte and others.

The previous order in this suit, signed by Sir Wm. Drury, Lord Justice, remaining unsatisfied owing to a blank being left for the insertion of the 100*l.* imposed as a fine*—the blank is to filled in, and the 100*l.* fine to be forthwith paid by the defendants, unless they can show good cause to the contrary.

Signed: A. Grey [*at the top*] Lucas Dillon, H. Wallop, N. Bagenall, Nicholas Malbie, Ed. Waterhous.

1581[-2], February 7—The jury who were empannelled in the Court of Chief Pleas on January 27 last, for trying Morishe Fitz James *alias* Fitz Geralde of Osberston, co. Kildare (accused of high treason for maintaining and helping James Ewstace, late Viscount of Baltinglasse, Thomas Rocheford, Oliver Ewstace and others in the rebellion against her Majesty) to pay a fine of 100*l.* apiece and stand in the pillory, they having found the said Morishe not guilty, contrary to the plain proof and evidence put before them.

Signed: A. Grey [*at the top*], H. Wallop, N. Bagenall, Robert Dillon, Lucas Dillon, N. White, Ed. Waterhous, Geffray Fenton.

February 9.—Michell Cusake of Batheholron *v.* Richard Dorran of Dorranston.

Defendant to pay a fine of 5*l.* with costs and charges for falsely deposing that a parcel of ground called Chaple Orcharde was the inheritance of James Tankarde, father to Patrick Tankarde of Castleton, and that he occupied and died seised of the same, whereas it manifestly appears that it was the property of the complainant.

Signed: A. Grey [*at the top*], H. Wallop, N. Bagenall, Robert Dillon, Lucas Dillon, N. White, Ed. Waterhous, Geffray Fenton.

* In the entry calendared p. 11 above, the sum has been inserted.

[After this entry there is inserted (loose) a petition of Laurence Hollyneshed, Clerk of the Court, to Lord Deputy Grey, praying him to direct Her Majesty's learned counsel to pen all acts and orders of the Court in time for him to enter them before the next court is held, as for want of this being done entries have often been very carelessly written and sometimes left out altogether. From this point, the entries usually have the date and names of those present written at the top by the clerk, and they are not signed.]

1582, May 4.—*Present*: the Lord Deputy, Mr. Treasurer, Mr. Marshall, Justice Plunkett, Justice Dillon, Baron Dillon, Master of the Rolls, Mr. Waterhous and Secretary Fenton.

The Bishop of Ossory, *v.* John Archer and others. Defendants, charged with riot, to be dismissed, paying only the fees due to the Court.

May 18.—*Present*: the Lord Chancellor, Mr. Treasurer, Justice Dillon, Mr. Chief Baron, Master of the Rolls, Mr. Waterhous, Mr. Secretary Fenton and the Dean of Christchurch.

Joyce Adryan of Dublin, leather dresser, *v.* Thomas Dermott, of the same city, merchant. Charge for riot dismissed, without costs. Each party pay the fees of the Court and 5*s.* to the poor.

Same date.—Robert Adams of Portleicester, co. Meath, gent., *v.* Theobald Dillon, Thomas Plunkett, William Hamon, Christofer Noland, William Goghe, Alexander Barnewell, Thomas Fielde, John Giggens, John Sarsfeld, Nicholas Fyan, Roger Roache, John Usher, Thomas Byrne, Nicholas Weston, Nicholas Borran, Thomas Barry, Edward Bulger, Stephen Borran, Walter Duff, Gerrat Nugent, Henry Cormock and William Betaughe, of Dublin, merchants, Nicholas Copperan, apothecary, and Roger Tavernor, trumpeter.

Charge of riot against the defendants dismissed. Each party to pay their own costs and fees.

June 22.—*Present*: The Lord Chancellor, Justice Dillon, the Chief Baron, Sir Nicholas Malbye, the Master of the Rolls, Mr. Waterhous.

Anthonie Colclough of Tynterne, co. Wexford, Esq.—informed against by Laurence Hollinshed, Clerk of the Court, for not having returned at the right date a commission of rebellion addressed to him as sheriff in May, 1581—discharged; the said Colclough alleging that no such commission was delivered to him, and the clerk not finding proof of it in the records of the Court, of which the late Robert Kendal was then clerk.

Same date.—Further information concerning Anthonie Colclough, that—having been ordered last July to demand from Walter Synnot, late sheriff of co. Wexford, an account of the payments by Phillip Lamporte, Patrick Synnot and others, on whom a fine of 100*l.*, with 3*l.* 6*s.* 8*d.* costs had been imposed, and to certify the same, with other matters, *crastino animarum* [*i.e.*, November 3] then following—he had not put in the

certificate at the required time; but that he had appeared in this Court on May 11 last, and was then ordered to return the same the next court day, being this present day, which he had accordingly done. Order thereupon for his dismissal.

June 27.—*Present*: The Lord Deputy, the Lord Chancellor, Mr. Treasurer, Justice Dillon, Baron Dillon, Sir Nicholas Malbie, the Master of the Rolls, Mr. Waterhous.

The fine of the Baron of Howthe reduced from 1,000*l.* to 500*l.*

July 5.—*Present*: The Lord Chancellor, Bishop of Meath, Mr. Treasurer, Justice Dillon, the Chief Baron, Master of the Rolls, Dean of Christchurch, Mr. Waterhous and Mr. Secretary Fenton.

Order [*as above, June* 27, *but more at length*] reducing the fine of Christopher St. Lawrence, Lord Baron of Howthe (imposed in the time of Sir William Drury's government) from 1,000*l.* to 500*l.* upon his pleading that he had already been punished by nineteen weeks' imprisonment "to his intolerable charge and hindrance," that the payment of so great a sum would utterly undo him and his house, and that he was very penitent and sorry for his fault.

Same date.—Patrick Manning *v.* Thomas Waring and others. Order—upon a subpœna summoning the defendants to appear, and Thomas Waring having appeared accordingly, but not the others—dismissing the matter in dispute [not specified], but with further order requiring Manning to prosecute the same against Manus O'Multully, one of the defendants.

Same date.—Order—upon complaint by the Clerk of the Court, Lawrence Hollynshed, that there are more than thirty or forty causes presently depending, and a far greater number not yet proceeded in, and yet that divers, both plaintiffs and defendants, now in town, do not prosecute the same—that process of attachment be served on all whose causes are not determined this term, returnable *octabis Michaelis* next, for them to give bond for the effective prosecution of their suits, and that all who hereafter exhibit bills in the Court shall give like bonds to the Clerk before he gives out his warrants.

With further order that the said Clerk shall be Attorney for all plaintiffs now and hereafter, in this same Court.

October 31.—*Present*: Lord Justice Lofthowse [Loftus], Justice Dillon, the Master of the Rolls, Mr. Waterhous, Secretary Fenton, Justice Dowdale.

Robert Skeiret of Galvey, merchant, *v.* Sir Clement Skirret, priest.

Charge of perjury against defendant dismissed, complainant informing the Court that the matter was long since adjudged by some of their Commissioners.

Same date.—Patrick Manning *v.* Elizabeth Talbot and others. Case dismissed.

1582, November 7.—*Present*: Lord Justice Lofthowse, Lord Justice Walloppe, Earl of Thomonde, Baron of Howthe, Justice Dillon, the Master of the Rolls, Secretary Fenton.

The following charges of riot dismissed. Fees of the Court to be paid.

William Butler of Rosse, co. Wexford, merchant, *v.* Walter Deverox of Battalston, gent., and others.

Anstace Browne of Coddestowne, co. Wexford, widow, *v.* Aristotle Scurlocke of Roslare, same county, gentleman.

John Plunket of Loghcrive, co. Meath, gent., *v.* Edmond Darcie of Jordanston, same county.

Thomas Darcie of Lugher, co. Meath, gent., and others, *v.* Patrick Coyne of Lesmollen, same county, and others.

Thomas Snagge, Attorney General, *v.* Robert Caddell of Dowston, co. Meath, gent.

Symon Luttrell of Luttrellston, co. Meath, esquire, *v.* John Harford of Doonboyne, and others, same county.

Dame Jennet Sarsfeild, late wife of Sir Thomas Cusacke, *v.* Richard Nugent and others.

Dame Jennet Sarsfeild, *v.* Francis Byrmyngham, of the Corballie, co. Meath, and others.

Robert Phipole of Holliwood, co. Dublin, gent., *v.* William Eustace and others.

Nicholas Bealinges, the Queen's Solicitor, *v.* Nicholas Tirrell, servant to Sir Christopher, Lord of Howthe.

John Pentennie of Dublin, merchant, and Thomazene, his wife, *v.* Lawrence Tathe [*written after* Taffe *erased*], servant to the Viscount of Gormanstowne.

Attorney General, *v.* Peter Eaylward, Mayor of Waterford, and others. [*Not stated to be for riot.*]

Stephen Mountney of Dublin, gent., *v.* Edward Brabazon of Thomas Court, Esquire.

Sir Hugh O'Rayelye, Dromlomane, co. Cavan, knight, and others, *v.* Iryeall O'Farell of Mornye, co. Longford, gent., and others.

Lady Cusacke, *v.* Richard Nugent and others. [*See Dame Jennet Sarsfeild above.*]

November 9.—*Present*: Lord Justice Lofthouse, Lord Justice Walloppe, Earl of Thomond, Baron of Howthe, Justice Dillon, the Master of the Rolls, and Sec. Fenton.

Aristotle Scurlocke of Ballynore, co. Wexford, gent., *v.* Thomas Deveroxe of Little Killyan, same county, yeoman, Walter Butler of Butleriston, gent., James Browne of Lynseston, horseman, Thomas Whithey and Richard Whithey, servants to the said Deveroxe.

Thomas Deveroxe to pay a fine of 20 nobles, and endure one month's imprisonment; Walter Browne, 5*l.*, with two months'

imprisonment, and the rest of the defendants 40*s*., with three months' imprisonment, for riot. Also costs and charges to the plaintiff.

With further order that process be presently served for their surrender, without bail or mainprise.

Wednesday, November 28.—*Present*: As above.

Charge of riot against James Shortall and others dismissed. Fees of the Court to be paid.

[*Two leaves have here been cut out, probably of the same date, as the names of those present are given as exactly the same in the following entry.*]

Same date.—Charge of perjury against Anthony Peppard and others of the jury of co. Wexford dismissed. Fees to be paid.

With memorandum that they have paid the fees and have been dismissed accordingly.

[*At this point there is a gap of two years, although apparently only two leaves have been cut out, as is shown both by the state of the book and the pagination.*]

1584, August 4.—Warrant by the Lord Deputy, Sir John Perrott, to Laurence Hollingshed, Clerk of the Court of Castle Chamber, to cease to trouble John Strich, late Mayor of Limerick, Piers [— and —] Arthur, then bailiffs of the same, Richard White, — Fanning, Jourdan Roche, Daniel Arthur and others, the charge of riot against them having been heard and ended by Sir Lucas Dillon and [Geffry] Fynton, Esq. Dated at Limerick. *Signed at the top. Imperfect.*

November 28.—John Walwyn *v.* Dominicke Browne of Galwey, alderman, Jeffrey Browne, Alexander French, Robucke French Fitznicholas and others of the same, merchants.

Charge of riot against the defendants dismissed upon request of the plaintiff, who pleads that "he is not able any longer to attend the prosecuting of the said cause by reason of his poverty" and also that he and the defendants "are of their own motions agreed." All proceedings to be cancelled, and the fees of the court paid.

Signed: J. Perrott [*at the top*], N. White, J. Garvey.

Same date.—Duplicate of the last order, signed as before.

[*The entries from this point are, with one exception, unsigned.*]

1586, June 23.—Henry Byrd to suffer one year's imprisonment, and to stand in the pillory, for forging the Lord Deputy's hand, and issuing unlawful warrants, the case being as follows:—

About June, 1585, the said Byrd, register to the High Commissioners in Causes Ecclesiastical and to the Court of Faculties in Ireland, wrote divers warrants "some purporting general protections and pardons for all causes to one Sir Denis O'Rohan, priest, other some for attaching several persons, and also warrants giving absolute and general authority to her Majesty's subjects to take recognizances of such her Highness people as the said Sir Denis should present unto them" to which warrants he "set in forging manner the Lord Deputy's hand" counterfeited by

himself. And "escaping unspied and uncontrolled," he also, as registrar of the High Commission Court, made and signed in his own name letters authorizing one David Dermott to be a public minister of divine service and sacraments under his protection, thus usurping to himself "much more than the absolute authority upon special trust committed to her Majesty's honourable Commissioners in causes ecclesiastical and the peculiar authority and jurisdiction of all Archbishops and Bishops of this realm might be any warranties pass or grant," all which things, by the warrants hereafter recited more plainly appears; viz:—

1. A warrant, purporting to be signed by the Lord Deputy, to all mayors, sheriffs, sovereigns, bailiffs, &c., to allow Sir Denis O'Rohan, priest, to pass freely about his affairs in Ireland, he having, after long imprisonment, submitted himself to her Majesty's ordinances, sworn to her supremacy and promised to become a true and loyal subject, and having been pardoned "upon hope of his good services and better conformity."
2. A like warrant to the seneschal or the sheriff of co. Wexford and the sheriff of co. Tipperary to apprehend and send up certain priests, viz.:—Sir Teige O'Heylan, Sir William Clere, Morgan Fitz Edmond of the Abbey of Finshelenaught, Sir Dermott McCragh, Doctor Edmond Ley and Sir Caribre O'Creghane of Killibane, co. Kilkenny.
3. A like warrant to all mayors, sheriffs, &c., to bind over all such persons as Sir Denis O'Rohan shall present to them to keep the peace towards him, he standing in bodily fear of losing his life by divers persons "for some good services done to her Majesty."
4. Certificate by Byrd himself, that, having perused the titles of David Dermott, vicar of Killosia, and being well acquainted with his upright life, he has allowed the said David Dermott to serve within the diocese of Limerick, or in any other place of her Majesty's dominions, and, so far as he shall behave himself justly, promises to be his defender, friend and protector.

Upon information by the Attorney and Solicitor General, Byrd, being at the bar, and allowed counsel to defend him, acknowledged writing the warrants, but utterly denied counterfeiting the Lord Deputy's hand, whereupon the Attorney and Solicitor represented both the private benefit to himself from the said warrants, and also that they were such as would not be passed by the Lord Deputy, but by the High Commissioners authorised for those causes, and that if any such had passed from his Lordship, they would have been written by the Clerk of the Council or by his Lordship's secretary. They also proved divers speeches and conferences between Byrd and Sir Denis, "which by implication tended to the matter," and finally Sir Denis was brought *in facie curiæ*, and declared that Byrd wrote the warrants and counterfeited the signatures in his chamber at St. Patrick's, himself being present, and caused him "to swear upon his book oath to keep his

counsel for the forgery. And also the said Sir Denys being condemned to die, was by the Lord Deputy offered pardon for his life if he could counterfeit the like hand, which by no means he could do."

1586, Nov. 29.—Henry Ealand, late sheriff of co. Roscommon, being found guilty, upon the information of Theobald Dillon, of having, during his office, committed divers extortions and oppressions (as is set forth in twenty-seven articles of complaint against him) and when summoned to appear this day, having contemptously made default—Order: That the matters in the first and second articles, wherein he is impeached "for murdering some of good credit unlawfully, by colour of martial law, shall be . . . prosecuted in her Majesty's Bench, where properly it is to be determined"; and further order that for the rest of the offences, he shall pay a fine of 500*l.* sterling, and suffer imprisonment for one year, and until he receives trial in the King's Bench (*sic*); shall make restitution of all gifts, bribes and extortions proved to have been taken by himself or his officers; and lastly, shall stand in some market place in co. Roscommon in market time with a paper on his head, declaring the quality of his offences.

1587, May 10.—*Present*: the Lord Deputy, Lord Chancellor, the Lord of Trimleston, the Bishops of Killmore and Ossory, Sir Henry Wallop, knight, Chief Justices Gardener and Dillon, the Chief Baron and the Master of the Rolls.

In the case of Edward Misset, Bartholomew Long, William Rochford, Patrick White, John Shurlocke, John Fitzgerald, Thomas Brimicham, Oliver Wogan, Maurice Wesly, Thomas Wogan, Patrick Saunders and Gerrott Fitzphallip, jurors of co. Kildare, accused of perjury in finding a verdict of not guilty against Patrick and Edmond Flatisburie of Johnston, co. Kildare (indicted for the killing of Hugh O'Burne, late of Baronrath), contrary to the manifest evidence; and upon report of the Chief Justices of her Majesty's Bench and Common Pleas, to whom the matter was referred, that although the said jury had committed perjury in a sort, it was not of so heinous a nature as the bill imported, and that by that verdict the prisoners should not have been discharged:—

Decree, in regard of their poverty, that the said jurors pay a fine of 10*s.* sterling apiece.

May 19.—*Present*: The Lord Deputy, Lord Chancellor, Lord of Upper Ossory, Bishops of Killmore and Ossory, Sir Henry Wallop, Sir Robert Dillon, the Chief Baron, and Sir N. White.

Irriell O'Ferall, gent, sheriff of co. Longford, *v.* Rosse O'Ferall, gent., of the same county, and others. Rosse O'Ferall to pay a fine of 100*l.* and to be imprisoned in Dublin Castle; and the rest of the defendants to pay fines of 40*s.* apiece and to be imprisoned in Longford County Goal, for preventing (about Christmas time, 1585) the apprehension of one Manus McShane O'Rwarke, charged with felony and treason, and for riotous behaviour to the officer sent to take him. With proviso that the mitigation

of the sentence be referred to the Lord Deputy's pleasure, and further order for payment into the hands of Anthony Stoughton, the clerk of the Court, of all costs for the plaintiff and fees of the Court.

Underwritten: Memo. that the Lord Deputy has mitigated the fines to 30*l.* and 20*s.* respectively.

1587, June 23.—Baron of Delvin *v.* Oney O'Moley, *alias* Capt. Owene, George FitzPeter, James Curren, Con Duffe O'Moley, Richard Nugent FitzPeter and George Swayne.

Suit dismissed upon petition of the plaintiff, each party paying their fees to the Court.

July 30.—*Present*: The Lord Deputy, Lord Chancellor, Primate of Armagh, Bishop of Meath, the two Chief Justices, Earl of Toomount [Thomond] the Chief Baron, the Master of the Rolls and Sir Thomas le Strange.

Robert Long, Castletowne Rebane, co. Kildare, gent., *v.* William Bowen of Ballimore, co. Dublin, gent., and others. William Bowen to be imprisoned during pleasure and to pay a fine of 20*l.* sterling, with costs and charges of the plaintiff and fees of the Court, for driving away the said plaintiff's cattle from his lands of Castletowne, murderously assaulting such as pursued them with hue and cry, and running the said Long "through the body with an horseman's staff, upon which wound he was like rather to perish than recover;" the defendants plea—that he had an interest in the lands from Walter St. Michaell and that he peaceably repaired thither and distrained cattle "there found damages feasaunts" in order that the matter might be tried at law—being disallowed.

The rest of the defendants, who have not appeared, are to do so and make answer.

1587[-8], January 31.—Alexander Pluncket of the Bawne, co. Louth, gent., to stand in the pillory in the city of Dublin one hour on a market day with his ears nailed to the pillory, and from thence to be had to Ardy [Ardee] or some other place in co. Louth, there in like sort to stand in the pillory and have one of his ears cut off, after which he is to be imprisoned in Dublin Castle during pleasure and his lands (if any he have) to be seized to the Queen's use during his life; for that he "bearing a most disloyal hate unto the sacred Majesty of the Queen's most royal person," declared last March, in the churchyard of Mounfyeldstowne, that within two years of this spring, or this spring itself, the Spaniards would return to Ireland and conquer it, and that all the Irish would join them against the Queen, after which the Spaniards, with the forces of Ireland, would go into England, and there crown a king and drive the Queen to flight; "by which his seditious speeches, maliciously blown abroad, the said Pluncket hath disloyally practiced (if it were possible) to strike a terror and causeless fear into the hearts of all her Majesty's loving and loyal subjects of this land."

1587[-8], February 2.—*Present*: The Lord Deputy, Lord Chancellor, Chief Justice Gardiner, Sir Robert Dillon, Sir Lucas Dillon, Sir Nicholas White, Justice Welch.

William Power of Shangarrie, co. Cork, gent., *v.* Morrish Oge FitzMorrish McGerrott of Churchton, Thomas Gangaghe of Carrickottie and others.

Defendants—charged with riotously resorting to the town of Loghan, co. Cork, and there beating and ill-treating the poor people at the ploughs, so that some of them through terror "are never like to recover without danger of their lives"—discharged; it appearing that they only resorted to Loghan in lawful manner, and that the matter of the complaint is "false and untrue."

1589, June 11.—*Present*: The Lord Chancellor, Mr. Justice Gardiner, Sir Nicholas White, Mr. Justice Walsh.

Joyce Adrian of Dublin, leatherdresser, *v.* Nicholas Nolan, Thomas Eustace, William Spryngan, Patrick Creyffe, Patrick Bath, Nicholas Course, John Lewrisse, and Patrick Doyne of Dublin, tanners, and Alson Kenddy and Katherine White.

Nicholas Course, Nicholas Nolan and John Lewrisse to pay a fine of five marks apiece and endure imprisonment during pleasure, for riotously assembling in the parish of St. Katherine's, in the suburbs of Dublin, and there assaulting and beating complainant and Elizabeth his wife, and also carrying off a "dicker" of tanned leather, price four pounds sterling. The rest of the defendants dismissed, upon payment of the fees of the Court.

1590, November 6.—Upon receipt of a letter from the Privy Council [*recited*] dated at Oatlands, August 17, 1590, stating that Henry Birde (deputy for his brother John Birde as registrar for the Ecclesiastical Commission) has made suit to them for the remission of his sentence, both on the ground that the proceedings were not in due form (sentence being given the day after term, a day appointed only for orders, Sir John Perrot himself being present and also others of the Irish nobility called in, who knew nothing of the former proceedings, and the Lord Chancellor and others taking exception to the sentence) and also that Sir Denis O'Roghan, his only accuser, had retracted, and now declared his innocence; and praying the Court—the credit of the young man being so unjustly blemished—to reconsider the matter, reverse the sentence and reinstate John Birde, with Henry as his deputy, in the office of which Sir John Perrott deprived him, bestowing it upon his own servants, who have sold it to less fit persons, although the appointment belongs not to the Lord Deputy but to the Lord Chancellor, as Chief of the Ecclesiastical Commission; —

And upon petition of Henry Birde to this Court with production of the retractation under Sir Denis O'Roghan's own hand, by which the Court is persuaded that Henry Birde is altogether innocent and guiltless of the forgery; —

Order that the sentence be put in no further execution, and that the said Birde be set free without any prejudice to his good name, but to be "ever hereafter reputed and esteemed of honest demeanour and as a faithful and true subject to her Majesty."

Signed: W. Fytzwylliam [*at the top*], Adam Dublin, *canc.*, Tho. Midensis, Milerus, Ar. Casselensis, Robert Dillon, Lucas Dillon, George Carewe, G. Bourchier, Nicholas Walshe.*

1590, Nov. 20.—Walter Synnott, Ferraldston, co. Wexford, and the rest of a jury of the said county (one only, Philip Roche of Newbane, excepted) to be imprisoned during pleasure, to stand in the pillory on some market day in the city of Dublin and likewise in the town of Wexford, and to pay a fine of 10*l.* apiece, for perjury in the matter of Walter Browne, late of Newbane, gent.; who—being committed to the gaol and castle of Wexford by George Isam, then sheriff of the county, on a charge of suspicion of treason (for aiding and abetting Cahir Eglan, *alias* Cahir McBrien Cavanagh, a notorious traitor and rebel)—did, on April 24, 1584, wilfully make his escape therefrom and was by them, in July, 1589, found not guilty of the said escape in spite of the manifest evidence.

1591, June 11.—John Tuite of the Sonnaghe, co. Westmeath, to endure twenty days imprisonment and pay a fine of 13*l.* 6*s.* 8*d.* sterling with costs and charges, for assaulting John Talbott, under-sheriff of the county, in May, 1589, and riotously re-possessing himself of ten garrans, which had been seized by the said undersheriff by order of Edward Nugent, high sheriff of the county.

June 16.—John Delahide of Bellantree to stand in the pillory on three market days, once in the market town nearest his dwelling-place, once in Trim or Drogheda and once in Dublin, when one of his ears shall be nailed to the pillory, "not to be unloosed until it be cut off, or himself do tear it off;" and also to forfeit half his goods and endure imprisonment at pleasure for saying that Sir John Perrott would have been enlarged long since if he had not called her Majesty an ill name.

Same date.—John Beaghan of Carnalway, co. Kildare, husbandman, to stand three market days on the pillory in Dublin, with both ears nailed and cut off, to be whipped throughout the city, to forfeit all his goods, and to be imprisoned at pleasure, for "very detestable and most disloyal speeches of her sacred Majesty, calling her Highness *Banryne done* in Irish, the which are not otherwise convenient, for the hatefulness of the words, to be published."

Same date.—Edward White, Clerk of the Council of Connaught, to pay a fine of 20*l.* and be imprisoned at pleasure, for divulging what had taken place when he was examined by the Lord Deputy and Council upon certain weighty causes concerning which he was sworn to secrecy.

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* This is the last signed entry.

November 26.—Patricke Talbot of Garriston, co. Dublin, gent., *v.* John, George and Richard Quatermas of the Newton and ten others.

The three defendants above-named to pay fines, John of 20*s.* and George and Richard of 10*s.*, and to be imprisoned at pleasure for coming upon the plaintiff's lands on the moor of Garriston "in riotous and warlike manner arrayed" on June 1st, 1590, and cutting and making turf there. The rest of the defendants to be dismissed, paying the fees of the Court.

1591[-2], January 28.—John Quatermas of Garriston, co. Dublin, husbandman, *v.* Thomas Coursy, Richard Maken, John Cheevers, Edmond Younge, William Dillon and William Talbott, esquires. Defendants (except William Talbott) to pay a fine of 6*l.*, viz., Thomas Coursy 40*s.* and the other four 20*s.*, and be imprisoned until the next Wednesday, for a riotous assault upon the plaintiff on the moor of Garriston, on June 2, 1590. William Talbott to be dismissed on payment of the costs of the court.

1592, April 21.—Edmond, Lord Viscount Montgarrett *v.* Donogh McCreagh, John McDonnell, Donogh FitzJohn and others.

Donogh McCreagh and John McDonnell to pay a fine of 6*l.* 13*s.* 4*d.* apiece, and Donough FitzJohn (in respect that he is the son of McDonnell and "to be commanded by his father") a fine of 40*s.*, with costs and charges, for riot; they having lain in wait for Lord Montgarrett, and assaulted him and his servants with darts, spears and other weapons, wounding several men and horses and putting the said Viscount into great danger.

Same date.—Thomas Dalton of Imper, co. Westmeath, gent., *v.* Sir John Tirrell, knight, Walter Tuite (or Tuyte) and others.

Sir John Tirrell to pay a fine of 6*l.* 13*s.* 4*d.* and Walter Tuite one of 40*s.*, with plaintiff's charges, for riotously breaking into the said plaintiff's castle at Castlegaddore, and assaulting two of his servants.

May 5.—Donogh McCarye of St. Michaell's, co. Longford, vicar, to pay a fine of 20*l.* for perjury, and to be committed to prison until he has satisfied the same; and also to give bond for his appearance at the next Longford Sessions.

With further order that if he do not pay his fine within half a year, he is to be put upon the pillory and to lose both his ears.

October 27.—Thomas FitzGerrald of Rathbegge, co. Longford, gent., Bryan McMelaghlyn, Terlagh McGawram, and Hugh O'Killen of Rathbegge, *v.* Theobald Dillon, John Talbott, Patrick Dwigenan, Edmond Dillon, John FitzNicholas and others.

The above-named defendants to pay fines (Theobald Dillon 6*l.* 13*s.* 4*d.* and the other four 40*s.* apiece) with costs and charges, and to be imprisoned at pleasure, for riotously entering plaintiffs' houses, driving them and their families out of doors, killing their sheep and driving away their cows.

The rest of the defendants to be discharged.

1592, November 24.—Donogh McCormocke [McCarthy] *alias* McDonogh of Kyntwecke [Kanturk], co. Cork, esquire, *v.* Teig McOwen, Owen McTeig, Cormocke McTeig and Donogh McTeig [McCarthy] of Dryshane, same county, and others.

Teig McOwen (being the leader of the rest) to pay a fine of 6*l.* 13*s.* 4*d.* and the other three above-named defendants a fine of 20*s.* apiece for riot; they having expelled complainant by force from the "towns and lands" of Dromscokan, Gortnegowny and Killecloubarry, co. Cork, and "manured" the lands themselves. The said Teig McOwen to be imprisoned until the several fines are satisfied and to pay all costs and charges of the court.

1592[-3], February 7.—Thomas Brookes, soldier, late of Dublin, to be imprisoned at pleasure and to be set in the pillory next market day, with a paper on his head containing the disloyal and contemptuous speeches which he is found guilty of uttering; viz., that he cared not for her Majesty, the mayor of Dublin, nor any of her magistrates and that the Queen's watch were the Queen's geese.

Same date.—John FitzEdmondes [FitzGerald] of Clone, co. Cork, esquire, Commissioner of the peace, to pay a fine of 20*l.* and suffer imprisonment during pleasure for an assault upon Walter Copinger, under-sheriff of the county. The said Copinger having taken a distress upon FitzEdmondes' brother in law, Thomas Gangogh, FitzEdmondes sent for him to his house and asked upon what authority he had done so. Copinger gave him a green wax book under the Exchequer seal of Ireland, on which FitzEdmondes "in great coler and fury did swear with grievous oaths that there was nothing but knavery, packing and shifting contained in the said book," called Copinger a knave and villain for taking the distress, and with the help of his servants beat him most grievously and refused to give back the green wax book, to the great hindrance of her Majesty's service.

February 9.—Andrew Russell, "guyden" to Captain Christopher Carliell, *v.* John Dalway and others.

John Dalway to pay a fine of 3*l.* 6*s.* 8*d.*, with costs and charges, and to be imprisoned during pleasure, for riotously carrying away a distress of cows and garrans from plaintiff's lands in the island McGuy.

Same date.—Edmond French of Galway, merchant, *v.* Thomas Nolan of Galway, gent., and others.

Thomas Nolan to pay a fine of 10*l.* with costs and charges, and to be imprisoned during pleasure, for riotously resorting to the Castle of Liskenenan, co. Galway, breaking up the doors and entries of the same, turning out Anstaunce French and others and rifling the plaintiff's goods.

1593, May 9.—Sir Thomas Flemynge, knight, Lord Baron of Slane, *v.* Christopher Preston, Viscount of Gormanston, Christopher Pluncket, William Fitzwilliam and others.

Lord Gormanston to pay a fine, for himself and the rest of his company, of 100*l.* and to be restrained of his liberty during pleasure, for attacking the Lord of Slane in the High Street of Dublin, near the market cross, when the said Lord, with five or six of his ordinary servants, was going to St. Patrick's church upon summons of the Lord Chancellor and other Commissioners to be examined by them "uppon causes greatly importing her Majesty's service"; the assailants (being about thirty in number) giving the said Baron divers blows, and dangerously wounding one of his servants.

November 23.—Walter French of Galway, gent., *v.* James Linche FitzAmbrose, Walter French FitzNicholas, Stephen Linche FitzJames and others of the said town of Galway.

James Linche FitzAmbrose and Walter French FitzNicholas to pay a fine of 10*l.* each, to be imprisoned for two months and to make satisfaction to the plaintiff, for forcibly entering his house in Galway and assaulting and beating him; the two said defendants being the principal actors in the matter. The other defendants to be dismissed upon payment of the costs of the court.

November 28.—Nicholas Whyte of Maynane, co. Kildare, to stand on the pillory in Dublin on three market days, to lose his ears, to be whipped through the city, and to be imprisoned during pleasure, for disloyal speeches against the Queen; he having "traitorously published that there was a prophecy in Ireland that O'Donell should be King in Ireland, and that there was an old crown of the Kings of Ireland in Rome, and that the Catholic Bishops of this land did write to Rome for that crown."

1593[-4], January 30.—Katherine Barrett of Ballencolly, co. Cork, *v.* Cormock McDermode [McCarthy] of Blarnye, co. Cork, esquire, Donogh McTeige McCormocke, Bryen McDonell and others.

Cormock McDermode to pay a fine of 10*l.* with plaintiff's charges, and to be imprisoned for fifteen days, for having besieged Castlenyhinche, threatening to cut off the heads of Katherine Barrett's servants if they would not yield the same, and preventing all ingress and egress for the space of two days.

The other defendants, having acted under the orders of McDermode, to be dismissed, upon payment of the fees of the court.

Same date.—Upon information that Richard, Lord Bishop of Leighline, had demurred to one Brocke a schoolmaster at Maribroghe having the 20*l.* stipend out of the diocese of Leighline, "erected" by the Lord Deputy and Council by authority of the late statutes, unless he would keep school at Catherloughe or Old Leighline, and had said "My Lord Deputy shall have no more to do in my diocese than I will have to do with his sword, and I will command him and his sword";—

And upon hearing of the Lord Bishop, who utterly denied speaking any such undutiful speeches, protesting his loyalty and

saying that "admitting them spoken, yet they were not meant of the sword of estate and might in some sense be spoken without offence in respect of his spiritual jurisdiction :"—

Decree, "forasmuch as the Court is persuaded that some unadvised and undutiful speeches were used by the said Lord Bishop, although without intent of disloyalty" condemning the said Bishop to pay a fine of 20*l.*, and to be imprisoned for eight days. [*Briefly calendared from a copy by Stoughton, the Clerk of the Court, in Cal. S.P. Ireland* 1592-1596, *p.* 202.]

1593[-4], February 7.—Sir Thomas Moore of Croghane, King's County, to make submission in Court and to the Lord Deputy, to pay a fine of 10*l.*, and to be committed to prison whenever the Court shall command it, for having, in a great assembly "at a parle hill called Ballybirne" in the said county, spoken against the Lord Deputy; declaring that he, Sir Thomas, had orders from Sir Richard Bingham, chief commissioner of Connaught and Thomonde, "to apprehend two mighty men for great matters of that county" but was restrained by the Lord Deputy.

The imprisonment deferred in consideration that Sir Thomas is at present employed in her Majesty's service as sheriff of the county.

1594, April 24.—Robert Piphoe, of St. Mary Abbey near Dublin, *v.* Edward Sutton, gent., Patrick Tipper, Lawrens Sutton and others.

Edward Sutton to pay a fine of 100 marks and to be imprisoned during pleasure, and Patrick Tipper and Lawrens Sutton to pay fines of 20 marks and 10*l.* respectively, with costs to the plaintiff, for entering the plaintiff's house at night, and forcibly carrying off his daughter Francis and a chest of his goods.

The rest of the defendants, not having appeared, are respited.

May 3.—Thomas Flemynge, of Bealgoly, co. Cork, gent. *v.* Phillip Roche FitzPhillip of Kynesale, merchant, Edmond Oge McIdegane, James FitzEdmonde of Imokelly, gent., Edmond McMorysh Dowlegh Roche of Keanele, gent., Davy FitzThomas Roche, Richard FitzThomas Roche, Thomas Sherlock, Davy O'Conell, Owen O'Dowdy, Shane O'Carrane, and John Begge and others, all of co. Cork.

Philip Roche to pay a fine of 5*l.* with plaintiff's costs and to be imprisoned during pleasure, and the rest of the defendants to pay a fine of 20*s.* each, for trespassing and cutting wood on plaintiff's lands.

June 8.—Lord Inchiquin to pay a fine of 100 marks (half to be paid before his enlargement, and good security given for the remainder) and to be imprisoned during pleasure, for assaulting and dangerously wounding Sir Tirlaughe O'Bryen, knight, on the Quay of Dublin, as he was repairing to the Council Chamber.

June 12.—Mary Pentny, widow, late wife of John Malone of Dublin, alderman, deceased; *v.* Richard Stevensone, John

Chambers, Henry Mann, Leighlyne Byrne, and Patrick Brangan of Kylmainame, co. Dublin. Richard Stevensone to pay a fine of 5*l.* and the other four defendants fines of 20*s.* apiece, with costs of the court, and to be imprisoned until next court day, for assaulting and wounding the plaintiff.

Same date.—James Poer *or* Power to pay a fine of 20*l.* and to be imprisoned during pleasure for assaulting Nicholas Poer or Power upon the bridge of Dublin, and also for forcibly taking a writ from the servant of the said Nicholas.

1594[-5], January 29.—Edmond Barrett of Mogollye, co. Cork, *v.* Sir Fynen O'Driscoll, sheriff of the county.

Sir Fynen O'Driscoll to pay a fine of 10*l.* and to be imprisoned during pleasure, for "extorciously" refusing to execute a writ of restitution against Andrew Barrett and others, who had seized the castle and bawne of Ballencolly (the said writ being issued by Sir Thomas Norrys, knight, vice-president of Munster, and delivered him by the plaintiff); until the said plaintiff delivered him "two silver cups in pledge of 4*l.* sterling, which being paid, the said Sir Fynen most cautiously did nevertheless omit the execution of the said writ."

January 31.—William Poer, of Kylblane, co. Cork, gent., *v.* Captain Thomas Plunkett, Richard and Thomas (*sic*) Plunkett and others.

Captain Plunkett to pay a fine of 20*l.*, Richard and Christopher FitzAlexander Plunkett, 10*l.* each, and Gilpatrick and Mahowne O'Gowne and Gilpatrick Moore 3*l.* 6*s.* 8*d.* apiece, with plaintiff's costs, and to be imprisoned at pleasure, for lying in wait for plaintiff, and assaulting and wounding him when he was attempting to distrain their cattle for "damadges fezaunt."

1595, May 23.—Edmond Barrett of Ballencoly, co. Cork, gent., *v.* Andrew and William Barrett, Meonis O'Sowlevan and sixty others.

The three defendants named to pay fines of 20*l.*, 5*l.* and 3*l.* 6*s.* 8*d.* respectively, with costs, and to be imprisoned during pleasure, for riotously assaulting the castle of Ballincoly, in July, 1591, when, "with swords, guns, great sledges or hammers, skenes, stones and staves, one bolie house then and there standing unto the gate of the said castle [they] did remove, and then and there the iron grate and part of the wall of the said castle by the said gate did riotously with a great hammer break, and into (*sic*) the said castle, town and lands did expulse the said Edmond Barrett, and did also levy a great cry to the disturbance of her Majesty's subjects and to the grievous damage of the said Edmond."

1596, May 14.—John Clinton, co. Lowth, gent., *v.* Patrick Verdon of Clonemore, esquire, Henry, Edward and Alexander Verdon, Rory McShee and Neale O'Farrall. Patrick Verdon to pay a fine of twenty nobles, Henry, Edward and Alexander, 5*l.* each and Rory McShee and Neale O'Farrall 40*s.* each, with plaintiff's costs, and to be imprisoned during pleasure, for turning

forty plough horses into plaintiff's wheat, whereby the said wheat "was maliciously and in riotous manner eaten, trodden, broken down and consumed." With further order that if McShee and O'Farrell cannot pay their fines, their master, Patrick Verdon, is to do so.

1597, April 15.—Upon information that Charles Egerton, Constable of her Majesty's Castle of Carrigfergus and Governor of her Majesty's forces there, accompanied by two warders, had twice assaulted Captain Ryce Mannfyelde, esquire, in the fields near the town, the said Captain being about her Majesty's service, in oversight of a fortification in the said town, having only his lieutenant in his company, and both being "weaponed but very badly" and that upon this a great outcry and tumult arose in the town, which would have grown very perilous had it not been pacified by the Mayor and some well affected persons, during which tumult Egerton again assaulted the said Captain Mannfyelde:—

Decree condemning Egerton to a fine of 100 marks and imprisonment during pleasure.

May 6.—John Norries, *alias* Captain Norries, to pay a fine of 500 marks, stand on the pillory, lose both his ears and be imprisoned for life, for speaking false and slanderous words against the Queen's Majesty.

Same date.—Jane Hopp, widow, keeper of the Gaol at Molyngare, co. Westmeath, to pay a fine of 200*l.* and to be imprisoned during pleasure, for having allowed two notorious traitors of the sept of the Newgents to escape—although the Justices had given her a special charge to look to them carefully—"whereby great trouble and garboyle is likely to happen in that county."

[*Here occurs a gap of seven years, but no leaves have been cut out and the pagination goes on consecutively.*]

1604, June 15.—*Present*: The Lord Deputy, Lord Chancellor, Lord Primate, Bishop of Meath, Lord Coursey, Sir Nicholas Walshe, Sir Edmond Pelham, Sir George Bourcher, Sir Oliver Lambert, Sir Francis Stafford, Sir Richard Cooke, Sir James Fullerton, Justice Everard and Justice Comerford.

Upon information that Richard FytzDavid Barry Oge, of Robertstown, Esq.; Thomas FytzJohn Gerrald of Rostelane, gent.; William Power of Shangarrye, gent.; Gregory Lombard of Buttevant, gent.; David Nagle of Moneaumny, gent.; Miles Roche of Kyleahye, gent.; Donell O'Donevan, *alias* O'Donovan of Castle Donovan, gent.; John Ronane of Youghall, gent.; Nicholas Galwane of the same, merchant; Moen McShehie of Kylletworagh, gent.; William Hodnet of Ballywody, gent.; and Donnell Moell McCarty of Fyall, gent.;—being a jury empannelled before special Commissioners at Youghall for the trial of William Miagh, late Recorder of Cork, "indicted of sundry heinous treasons consisting partly in contradicting his Majesty's title to

the crown of this realm and partly in levying war against his Majesty,"—had, contrary to the evidence and to the direction of Sir Nicholas Walshe, Lord Chief Justice of Common Pleas, and other judges upon the Commission, found the said William Miagh not guilty, although it plainly appeared that he had refused to proclaim the King, absented himself when the proclamation was made, seized Skyddyes Castle with the King's stores and munition therein, using the same against the King's army, for whose provision they were intended, and demolished a fort newly built on the south side of the city:—

And upon the appearance of the said jurors in this court, who, having counsel assigned to them, have no answer to give but that "notwithstanding the said evidences were given against the said Miagh, yet they in their private consciences knew that the said Miagh had no intent to commit any treason"; for which pretended knowledge they could give no probable reason:—

Decree that the said jurors being found guilty of perjury, be imprisoned during pleasure, pay fines—the foreman, Richard Fytz Davy Barry Oge, 1,000 marks and the rest 500*l.* apiece—and wear papers on their heads declaring their offence, "in the face of the four courts holden this Trinity term at Drogheda" and at the next general sessions at Cork. [*Compare Cal. S.P. Ireland, Jac. I.*, 1603-1606, *p.* 119.]

1604[-5], February 6.—*Present*: the Lord Chancellor; the Bishop of Meath; Sir James Lea, Chief Justice of King's Bench; Sir Nicholas Walshe, Chief Justice of the Common Pleas; Sir Edmond Pelham, Chief Baron of Exchequer; Sir George Bourcher, Sir Richard Cooke and Sir Gerrott More.

Samuel Mollynex, marshal of this court, *v.* Trystram Ealeston [or Eccleston], constable of the Castle of Dublin.

Upon report of Lord Chief Justice Lea and Lord Chief Baron Pelham (aided by Lord Chief Justice Walsh) to whom was referred the controversy between plaintiff and defendant, concerning the custody of prisoners committed in this court:—

Order "that all Barons and persons precedent unto Barons, Counsellors of estate, Justices of the Benches, Barons of the Exchequer, Lords of Irish countries, Sheriffs of Counties, Mayors, Knights, Deans of Cathedral Churches and Justices of Peace," hereafter committed by the court, are to be in the custody of the Constable of the Castle, and all other persons in the custody of the marshal, provided that no prejudice be done to the marshal of the four Courts and that this Court have liberty "to commit any prisoner by express words to any officer whatsoever."

Same date.—*Present*: The Lord Deputy, Lord Chancellor, Viscount Roche, Bishop of Meath, Lord Coursey, Lord Bourke, Sir James Ley, Sir Nicholas Walshe, Sir Edmond Pelham, Sir George Bourcher, Sir Gerrot More, Sir Richard Cooke.

Olyver Scurlocke, late sheriff of co. Donegal, to pay a fine of 100 marks, to be committed prisoner to Dublin Castle during pleasure, and at the next sessions in the said county to ask his

Majesty's forgiveness upon his knees, for the extortions and misdemeanours proved against him, viz., for causing proclamation to be made "that every household for want of keeping watch every night should pay to the said sheriff 4*s.* for their default, . . . that whosoever should feed his cattle on the mountains should pay him 10*s.* each household, and that each 'glybbe' should pay him sixpence," with divers other extortions and offences; the which offences were proved before Sir Edmond Pelham, Chief Baron of Exchequer, and Sir John Davyes, knight, his Majesty's solicitor, Justices of Assize at a sessions of gaol delivery for co. Donegal and by them referred to this Court.

1605, June 27. Cary Hospital.—Cahir O'Callaghane of Dromynyne, co. Cork, gent., *v.* John Barrie, esquire, late sheriff of co. Cork, Brien McOwen of Castlemore and Conagher O'Callaghane of Clonemyne, same county, gents.

Upon information and proof that Brien McOwen had obtained by unfair practices from Justice Saxey, Chief Justice of the Province of Munster, a writ of restitution in the name of Owny McRowrie O'Mory, a notorious traitor who was slain in rebellion two years before, for delivery to him of the said castle and lands of Dromynyn, and that in spite of a writ of *supersedeas* thereupon obtained by the plaintiff from the Court of Chief Pleas, the said John Barrie, sheriff, with the said Brien McOwen, Conagher O'Callaghane and two hundred other persons, had taken forcible possession of the said castle, breaking down the doors, thrusting out the plaintiff's servants and taking thence goods and chattels to the value of 60*l.*:—Decree that the said John Barrie, for disobeying the writ of *supersedeas*, and "for gathering so great a multitude of armed men unlawfully to commit so great and manifest an outrage, misdemeanour and riot" shall pay a fine of 200*l.* (unless he bring certificate that he has already been fined 100*l.* in the Chief Pleas, in which case this is to be allowed) and be sent for to appear before the Lord Deputy and Council; that Brien McOwen for his several offences shall pay a fine of 200*l.*, be imprisoned during pleasure, and make restitution to the plaintiff for all damages sustained, with satisfaction of his costs and charges; and that Conagher O'Callaghane, "being one of the principal setters on" of the riot, shall pay a fine of 100*l.* and be sent for to appear. Also that so many of the defendants as are of good ability and wealth shall be sent for to answer the said outrage, excepting those for whose appearance Brien McOwen has given bond.

1605, November 22.—Decree in the case of John Elliott, John Shelton, Thomas Pluncket, Robert Kenedy, Walter Sedgrave and Edmond Purcell, of Dublin, aldermen; Thomas Carroll and Edmond Mallone, of the same, merchants; and Philip Basset, of the same, gentleman, recusants. [*Printed in extenso, with some verbal differences, in Cal. S.P. Ireland, Jac. I.*, 1603-1606, *p.* 348, *from a copy in Trinity College library.*]

November 27.—Decree in the case of James Bellewe, Nicholas Stephnes [*sic*], William Turnor and Richard Ashe of Dublin, merchants; and Francis Marshall, of the same, gentleman, recusants. [*Printed as above, p.* 353.]

1605[-6], January 29.—Decree in the case of Philip Conran and Patrick Browne, of Dublin, aldermen, and John Goodinge of the same, merchant, recusants. [*Printed as above, p.* 391.]

February 7. Carie Hospital.—Upon information that Walter Sedgrave, John Shelton, Robert Kennedy, Thomas Plunckett and Edmond Maloane, donors, and Nicholas Weston, Richard Usher, John Galtrime and John Forster, donees, "had compacted and consulted together to make and forge fraudulent and false deeds with ante dates of all their several goods and chattels, real and personal, quick and dead, above ground and under ground, unto the said several donees" in order to avoid payment of the fines imposed upon them:—

And upon hearing of the above-named defendants and their learned counsel, who could make no other answer "but that they did the same upon good consciences for the payment of their debts and for the maintenance of themselves, their wives, and children":—

And also upon reading of the deeds in open court and long debate of the matter, when "it manifestly appeared by many circumstances and examination of the donees themselves, and not much denied by the counsel of the defendants, that the deeds were false and fraudulent and of no force or effect:—"

Decree accordingly, and that the said deeds "shall be utterly frustrate and void to all intents and purposes," excepting that the deed of Edmond Maloane to Richard Usher shall be valid for the performance of 30*l.* by the year for a jointure to his daughter, married to the said Maloane. The sentence upon the defendants for their forgery to be postponed to the first court day of next term, and meanwhile, those already committed to return whence they came; the others, viz., Nicholas Weston and John Galtrime, to be committed to the care of the Marshal, and the deeds to remain in the custody of the Court. [*Compare letter of Sir John Davies to the Earl of Salisbury. S.P. Ireland, Vol.* 218, *No.* 14.]

May 16. Cary Hospital.—Upon information that James Jans, Mathew Handcocke, and Michael Chamberlyn, aldermen of Dublin, utterly refuse to repair to their parish church to hear divine service and sermons, and can make no answer to their disobedience but that their conscience led them to the contrary:—

Decree condemning Jans and Handcocke to pay a fine of 200 marks each, to be imprisoned in Dublin Castle or elsewhere during pleasure, and to be put from all magistracy and offices; and Michael Chamberlyn to pay a fine of 100*l.*, to be committed to the Marshal of the Court and likewise to be put from all offices; half the fine to be employed for repairing decayed churches and other charitable uses, and the other half to go into the King's coffers.

1606, July 2. Cary Hospital.—Upon a like information against James Browne and Patrick Englishe of Dublin, bakers:—
Decree condemning them to pay a fine of 40*l.* sterling each, (to be applied as above) to be committed to the Marshall and to be put from all offices.

1606[-7], Feb. 4.—Upon a like information against George Devonishe and John Dowde, late sheriffs of Dublin, Thomas Fleminge and Stephen Duffe, aldermen of Drogheda, and Andrew Hamlen, of the said town, merchant.
Decree condemning Devonishe and Duffe to pay fines of 200 marks, John Dowde and Thomas Fleminge, 100*l.*, and Andrew Hamlen 100 marks. Devonishe and Dowde, having been formerly committed by the Mayor and his brethren of this city for some contempt against the laws of the said city, are to be given into the custody of the now sheriffs until the Lord Deputy's pleasure be further known, and the rest are to be committed to Dublin Castle.

February 6.—Henry Bennett of Dunbard's Island, co. Wexford, gent., *v.* John Deverox, of the Dypps in the said county, esquire. Philip and Nicholas Deverox, Edmond and Philip Synnott, Cosnegh O'Doyran, Thomas Echomore and others.
John Deverox "as the principal plotter and setter-on of all the rest, being most of them either his sons or servants" to pay a fine for himself of 100*l.*, and for each of the other persons above-named of 20*l.*, and further to pay 40*l.* to the plaintiff for damages and to be imprisoned during pleasure, for having riotously, with force and arms, and with a piper in their company, entered the plaintiff's castle of Dunbard's island, where, having beaten his wife, Maryon Bennett, and thrown her downstairs, they took possession of all the goods, corn and other provisions.

April 24.—Dermott McTeige, Towhill O'Maly and Teige O'Hawrehan, of Ballymaccahell, co. Cork, husbandmen, *v.* David Power, of Shangary, in the said county, gent., Philip and Patrick Hoare and others.
David Power to pay a fine of 20*l.* and to be imprisoned during pleasure, for riotously beating, battering and wounding the complainants and carrying off their cattle. The rest of the defendants, being the servants and tenants of Power, and at his command, to be dismissed.

April 29.—Christopher Worrall, Charles St. Lawrence *alias* Howth and John Blakeney to pay fines—Worrall 100*l.* and the others 100 marks each—to be imprisoned in Dublin Castle, and to be put from all offices in the town of Drogheda or elsewhere, for refusing to attend service at their parish churches.

1608, April 20.—John Condon, *alias* McMancke, of Carygynenry, co. Cork, gent., *v.* James Sherlocke Fitz Piers of Carrigneshury, co. Tipperary, gent.

Decree condemning Sherlocke to pay a fine of 100*l.*, to stand on the pillory in Waterford on a market day, to lose his ears and to have his nose slit and seared, and to be imprisoned during pleasure, for forging and publishing a supposed roll of attainder against Richard Condon, *alias* McManck, father of John; "which roll did purport" that on July 7, 13 Elizabeth, the said Richard was indicted of high treason at the Guildhall of Waterford, for receiving James Fitzmoris Fitzgerald, *alias* James of Desmond, knight, knowing him to be in actual rebellion, and that the said Richard having pleaded not guilty and put himself upon the country, another jury found him guilty, and sentence of death was passed against him; by pretext of which false attainder John Condon was like to be disinherited of divers castles, lands, &c., in co. Cork.

With further order that the roll, as regards the attainder of Richard Condon, being declared utterly void, is to be endorsed to that effect.

1608, June 1.—Thomas Meredythe, clerk, vicar of Ballrotherie, co. Dublin, *v.* James Barnewell, Nicholas Bellew, William Stoakes, John Wogan, Robert Barnewell, Nicholas Phillippes, William Kenan and others.

Upon complaint of the plaintiff that on All Saints' Day last, being Sunday, he attended at his church both to say divine service and also to bury the corpse of James Barnewell's mother, but that the defendants, having resolved "to bury the said corpse after a superstitious and idolatrous fashion, and not according to the King's Majesty's injunctions and ordinances," riotously entered the church, assaulted and wounded him—pulling away a great part of his beard and causing his nose and mouth to gush forth with blood—struck the book of Common Prayer from his hand and trod it disdainfully under foot, and that James Barnewell did moreover beat his (plaintiff's) wife and threw her to the ground, she being great with child:—

And upon full hearing and deliberate discussing of the case:—

Decree condemning James Barnewell to pay a fine of 100*l.* sterling, with 20*l.* damages to the plaintiff besides his costs and charges, and to be imprisoned in Dublin Castle; Nicholas Bellew to pay a fine of 100*l.* and to be committed to the Marshal, and Stoakes to pay 20*l.* and also to be committed to the Marshal. The rest of the defendants to be discharged upon payment of the fees of the Court, there being no pregnant proof against them.

June 8.—Moriertaghe McMorroughe, Gerrott Scullicke and Morroghe O'Doyle, *v.* Sir William Sinnott, knight, John, Walter, Edward and Gerrald Sinnott and Gerrald McOwen.

Sir William and John Sinnott acquitted on the charge of riot, but condemned to pay a fine of 20*l.* each, and to be imprisoned during pleasure, for other "oppressions and misdemeanours" against the plaintiffs. The rest of the prisoners to be discharged.

1608[-9], February 3.—Sir Robert Digby and Lady Lettice, his wife, *v.* Garrett, now Earl of Kildare, Dame Mable, Dowager Countess, widow of Garrett late Earl, and Henry Burnell, esquire,

In Michaelmas term, 1602, Plaintiffs exhibited a bill of complaint showing that, for the advantage of Lady Mabel and her children, Burnell had inserted in the Inquisition found after the death of the Earl a forged deed of entail, to heirs male, importing to have been made by the said Earl 7 Sept., 8 Eliz., thus preventing advantage to the Queen from her wardship of the Lady Lettice, daughter of Lord Gerald,* eldest son of the late Earl, deceased, which deed was published and recorded, although the Countess knew it to be forged and contrived for the disinheriting of Lady Lettice, the true heir. And the bill further showed that long after the death of the Earl, in the mansion house of Maynouth, Burnell persuaded the Countess to show him "the said deed that she had for her jointure," and told her that it was defective but might be amended, to which she, not suspecting any unlawfulness, consented: whereupon he and Walter Foster, her steward, took it into the comptroller's chamber, and there endorsed it with "the testimony and names of witnesses long before that time dead," Foster coming out to ask her if she could remember the names of any of the Earl's servants in the year 8 Elizabeth; and the deed was then annexed to the Inquisition formerly found and remaining in the Exchequer.

And the said bill also showed that Henry Burnell encouraged Gerald Fitz-Gerald, now Earl, to claim the reversions of the late Earl's lands, and to publish the said deed, knowing it to be forged, and riotously to enter the house of Maynouth and take away the evidences of the earldom under the colour thereof.

The cause was brought to hearing on November 11, 1607, and after full hearing and deliberation this Court determined to leave the validity of the body of the deed to be tried at Common Law, and therefore finds no cause here to censure the Earl, the Countess or Mr. Burnell for publishing it.

But it plainly appearing by Lady Mabel's own confession and the deposition of one Bradley that the endorsements upon the deed of jointure were added either by Burnell or under his direction:—

It is ordered that the said Henry Burnell shall pay a fine of 500 marks and be imprisoned during pleasure for the said offence; but that as to his advice to the Countess to cause the said deed to be found in the office after the death of the Earl, and there recorded with all the forged endorsements copied verbatim, although the Court accounts it "a very great fault, deserving severe punishment, in a counsellor at law," yet as this offence is not clearly laid down in the bill, no censure can be passed upon it.

And for the Lady Mabell, although she knew the deed was defective, and gave it up to be amended, yet because she is not charged with knowing what was added, "but rather is excused of that offence by the said bill," the Court finds no cause to censure

* Gerald, Lord Offally.

her for the offence, nor to censure the now Earl for the supposed riot, and they are therefore acquitted.

Present: The Lord Deputy, Lord Chancellor, Master Treasurer, Lord Chief Justice Winche, Lord Justice Walshe, Sir Adam Loftus, Sir Richard Cooke.

[*This decree which fills ten pages, closely written, is briefly noticed in the Cal. S.P. Ireland* 1608-1610, *from a copy amongst the State Papers.*]

Same date.—Gerald, Earl of Kildare, *v.* Dame Mabell, Countess Dowager, Sir Robert Digbie and Lady Lettice, his wife, and Peter Bennett and John Bradley, servants to Lady Mabell.

Upon an information by the Earl that the Countess, seeking to advance the issue of her body, namely Lady Lettice, and to disinherit the said Earl, had conspired with Sir Robert Digby, Lady Lettice and her servants, and that "of collusion" the said Sir Robert and his wife had exhibited a bill declaring the deed of 7th September, 8 Eliz., to be forged and fraudently published by the Countess, in order that by the "faint pleading and voluntary confession" of her Ladyship, the said deed might be overthrown and complainants' estate defeated:—

Decree acquitting the defendants, there being no sufficient proof against them. *Present*: *ut supra.*

1609, May 19.—Nicholas Turner of Wexford, gent., *v.* John Deverox, of the Dippes, co. Wexford, gent.

John Deverox to pay a fine of 40*l.*, with plaintiff's costs, and to be imprisoned during pleasure, for "champerty," he having "champerteously" conspired with a clamorous and poor woman, named Margaret Bowton, *alias* Browne—who had an old claim to the town and lands of Churchtown, in the manor of Ballimore, co. Wexford, being the property of the defendant—and having "combined his ill endeavours to her ill title," promising to prosecute her claims on condition of having half the lands upon their recovery.

November 17.—Bryen McReddy, Neyle McTyrlagh O'Cahan, Bryen Modder O'Cahan and Hugh O'Mergye—four of the twelve jurors empanelled at the last assize at Lemevaddy, co. Coleraine, before Lord Chief Justice Winche, and Mr. Attorney [Sir John] Davies, for the trial of divers of the Clenloskyns, Gyllegrome O'Mullyne, James O'Mully, Gylleduffe O'Kelly, Tyrlagh O'Kelly, Donogh Keogh O'Mullyne and Donogh Backagh O'Mullyne, for treason—to pay fines of 100*l.* apiece, to be pilloried at Dublin and the next assize town in co. Coleraine, and each of them to lose one of his ears, for acquitting the said traitors contrary to the clear evidence that they had been in open rebellion.

November 22.—Bryen O'Bryen of Caryggogownell, co. Limerick, gent., *v.* Nicholas Bourke and William Stritch, aldermen of Limerick, John Sarsfeild, Recorder of the same city, Arthur Sexten, gent., William Arthur Fitz John, merchant, six others, yeomen, and divers more, to the number of about four-score, all of the said city.

Arthur Sexten, the captain and leader of the rest, to pay a fine of 200*l.*, and to be imprisoned during pleasure, for breaking down a weir on the river Shannon, belonging to the plaintiff's manor of Caryggogownell.

With further order that if Sexten is not of ability to satisfy the fine, it is to be paid by the Corporation of Limerick.

1609[-10], January 31.—James Edwards, of Clomethan, co. Dublin, farmer, and Jennett, his wife, *v.* Nicholas and Mathew Begge, of Boranstowne, co. Dublin, Robert Corbally, of Notstowne, Peter Erward or Herward, of Clomethan, and others.

Nicholas Begge, Robert Corbally and Peter Erward to pay fines of 33*l.* 6*s.* 8*d.*, 15*l.*, and 10*l.* respectively, with 20 marks damages to the plaintiffs, besides their costs, and to be imprisoned during pleasure, for riotously breaking into James Edwards's house, where he was "lying very sick in his naked bed," dragging him by the heels into the street, thrusting his wife, Jennett, and their eight children after him, casting out all their goods, and keeping forcible possession of the house.

1610, June 15.—Christopher Fitzwilliams, Nicholas McConnell, Richard Nugente, Michael Sedgrave, John More, Thomas Deyce, James Byrne, Richard Ewstace, John Byrkett, Simon Maloane, Thomas Garland and John White—being a jury impannelled in the Court of His Majesty's Chief Bench, before Lord Chief Justice Wynch, Sir Domynicke Sarsfyeld, Knight, and Christopher Sibthorpe, esquire, Justices of the said Bench, for the trial of John Drake, Richard Ferrall, Edward Ivers, John Plunckett, Edward Plunckett, George *alias* Jerdie Greame, John Cruce and John Chamberlaine, indicted last Easter term for the killing of Simon Barnwell, gent., on the 24th of November last, in the assault made upon Sir Roger Jones by Lord Howth—to pay fines of 100 marks apiece, suffer imprisonment during pleasure, and stand in some public place in Dublin with papers on their heads declaring their offence, for having acquitted the above eight persons, although it was manifestly proved that Barnwell was slain while defending Sir Roger Jones by some of Lord Howth's party, and that the above persons were aiding and abetting Lord Howth during the quarrel, and although the Judges clearly directed the said jury that any one who drew his sword and took part with Lord Howth was guilty of the felonious killing of the said Barnwell, to which direction they ought to have given faith and credit, the said Judges being "as well sworn to deliver true law unto them as they were to deliver a true verdict."

November 14.—Upon information and proof that Cahire Toole, Edward Archbold, James McPhelyme and nine others—being a jury impannelled in the Court of Chief Pleas for the trial of Arte McBrien O'Byrne on a charge of wilfully murdering Donell Reaghe O'Byrne— had acquitted the said Arte McBrien of the said murder in spite of manifest proof that he was guilty:—

Decree condemning Cahire Toole (who after the rest of the jury had found a verdict of wilful murder, being appointed their

spokesman, gave it in as manslaughter only) to pay a fine of 100*l.*, to be set in the pillory and to lose both his ears; Edward Archbold and James McPhelyme (who consented to this false verdict) to pay a fine of 100 marks apiece, to be set in the pillory and to lose one of their ears; the other nine to pay a fine of 40*l.* apiece, and all of them to wear papers on their heads declaring their offence and to be imprisoned during pleasure for their perjury.

November 21.—Upon information and proof that James Dice and eleven others—being a jury impannelled before Sir John Blenerhassett, knight, and John Beere, Esq., Justices of Assize, at Molengar, co. Westmeath, last August, for the trial of Edmund Duff on a charge of rescuing Terlaghe Gallchowe, a notorious traitor—had acquitted the said Edmund Duff, contrary to the direct evidence:—

Decree condemning James Dice, being the leader of the rest, to pay a fine of 40*l.*; the other eleven a fine of 20*l.* apiece, and all to be imprisoned during pleasure.

November 23.—Upon information and proof that Stephen Kyrvan, late Mayor of Galway, Walter French, learned in the laws, Vallentyne Blake, of the said town, alderman, and James Oge Darcy, one of the bailiffs of the same, have attempted "to hold plea of matters touching and appertaining to His Majesty his crown and dignity without sufficient warrant," viz.: That John Griffyn, a solicitor under the leading of Sir Thomas Rotherham, knight, having been found guilty by a coroner's jury of wilfully murdering Andrew Blake, a merchant of Galway, in July last, the above-named Stephen Kyrvan, then Mayor, and the rest proceeded without warrant to try him for murder when the trial should have been for high treason:—

Decree that Walter French, being the principal adviser for this contempt and misdemeanonr, shall pay a fine of 200*l.*, and James Oge Darcy a fine of 40*l.*, and that both shall be imprisoned during pleasure; but that Valentine Blake is dismissed, there not being sufficient proof against him; "and for the said Stephen Kyrvyn, his death hath freed him."

1611, May 29.—Symon Paulee to be committed to the grate of Dublin Castle until next market day, then whipped from the Castle Bridge to the Newgate, and set on the pillory with his ears nailed and a paper on his head, where he is publicly to acknowledge his offence, after which he is to return to the grate for imprisonment during pleasure, for having disloyally published in the shop of John Franckton, printer, the false, seditious and slanderous words following, viz: "that he saw the King's letters patent in a town called Northallerton in Yorkshire, brought thither by a Scottish man, for a toleration of religion without controlment for the King's life, the Queen's life, and the life of the Prince, and that certain sums of money was to be given for the said toleration."

1611, May 31. *Present*: Sir Arthur Chichester, knight, Lord Deputy; Thomas, Archbishop of Dublin, Primate and Metropolitan of Ireland and Lord Chancellor; William, Archbishop of Tuam; David, Viscount de Rupe et Fermoy, commonly called Lord Roche; Richard, Baron of Delvin; Sir Thomas Ridgway, knight, Vice-Treasurer and Treasurer at Wars; Sir Richard Wingfeild, knight, Marshal of the army; Sir Nicholas Walshe, knight, Lord Chief Justice of Common Pleas; Sir John Denhame, knight, Lord Chief Baron of Exchequer; Sir Francis Augier, knight, Master of the Rolls; Sir Oliver St. Johns, knight, Master of the Ordnance; Sir Richard Morrison, knight, vice-president of Munster; Sir Richard Cooke, knight, Principal Secretary of State; and Sir Adam Loftus.

Richard, Earl of Clanrickard, Lord President of Connaught, *v.* Sir Thomas Boorke, of Bealanesloe, co. Galway, knight, John Boorke, of Downsandell, same county, esquire (brothers of the complainant), and Thomas Litchfeild, gent.

Upon complaint of the Earl (first exhibited in this Court on November 10, 1609) that Sir Thomas Boorke and the other two have conspired to disinherit complainant and his son of his title and estates by declaring that said complainant was born before the marriage of the late Earl Ullicke and his wife, Lady Honora Boorke (daughter of John Boorke of Clochroucke, co. Galway), whereas they were publicly married in the Parish church of Athenrye, co. Galway, on November 25, 1564, and had two children, Richard and Mary, both of whom died in infancy, before the birth of complainant, the now Earl:—

And upon further complaint that Sir Thomas resolved on the first popular commotion in Connaught to declare himself the lawful heir and seize the estates, and did moreover publicly declare that complainant had plotted his destruction as being the true heir:—

And also, upon the report of the Archbishop of Tuam, Sir John Everard, knight, Abel Walshe, preacher, and Henry Linche, of Galway, counsellor at law, being commissioners to examine witnesses in this cause, and upon the public and solemn hearing, this day, of counsel and witnesses upon both sides:—

And it being manifestly proved by twelve or thirteen good witnesses that the late Earl and Lady Honora were publicly married, in the face of Holy Church and the presence of over a hundred witnesses, at the parish church of Athenrye about forty-seven years since, that they had no children for two years, that their first two children died, and that the present Earl was born five years after marriage; and it being also proved by several witnesses as well as by "Sir Thomas's faint denials, amounting to implied confessions," and also by his claim, entered of record in the Court of Common Pleas, to a fine levied by complainant (by which claim he pretended a right and title to all the estates), and by a letter written in his own hand to the Lord Deputy (casting doubt on the Earl's legitimacy and accusing him of practising against his own life, both of which things he offered to verify) that the said Sir Thomas had given out the malicious and false

statements above said, "whereby he did not only intend to dishonour and traduce the said complainant, being his eldest brother, but also to deprave and scandalise the deceased Earl and Countess (being his own natural parents) who lived and died both virtuously before God and in great honour and reputation in the world":—

Decree pronouncing that the Earl is his father's undoubted lawful son and heir, and condemning Sir Thomas, for his false and unnatural reports, to pay a fine of 1,000*l.* and be committed to the Constable of Dublin Castle during pleasure; but dismissing the charge of conspiracy as not fully proved, although there are some "strong presumptions inducing the private consciences" of the Lord Deputy and the rest to believe it to be true, and acquitting John Boorke. Thomas Litchfield cannot be found, he having departed the kingdom. [*Eleven pages.*]

November 22.—Captain Richard Tyrrell, of Drumlaghan, co. Cavan, Justice of the Peace, to pay a fine of 20*l.* with costs of the Court, for riotously entering the lands of one Cahel McPhillipp, of Killibadricke, co. Cavan, with his servants and followers, beating and wounding Bryan McCahel, one of the tenants, and forcing him and the rest of the tenants to forsake the lands.

November 27.—Sir Edward Blanie, knight, Dame Anne, his wife, late wife of George Blunt, esquire, deceased, and Elizabeth Blunt, sole daughter and heir of the said George Blunt and Anne, his wife, *v.* Morrice, Lord Bishop of Killaloe, Sieve ny Carroll, Christopher Blunt *alias* Carroll and others.

Upon complaint that Sieve ny Carroll and Christopher her son, bastard son of George Blunt, had procured witnesses falsely to depose that the aforesaid George Blunt and Sieve ny Carroll were lawfully married: And also upon complaint that the Bishop of Killaloe, knowing their plot, and well knowing the said Christopher to be a bastard, did yet without writ or warrant of any sort, take, sign and seal the depositions of the said witnesses:—

And it manifestly appearing that these allegations are true, but the court considering that, although both their offences were great and worthy of severe punishment, yet the rigour of their censure is somewhat mitigated by reason that the said Seive ny Carroll was moved by the natural affection she bare to her son, and that the Lord Bishop is repentently sorrowful and has by letter to the Lord Deputy humbly craved pardon for his error, which reasons "move them to clemency in inflicting a small punishment for a great offence":—

Decree, that the instrument signed by the Bishop be disannulled and cancelled, that the said Bishop pay a fine of 100 marks sterling and suffer imprisonment at pleasure, and that Seive ny Carroll pay a fine of 40*l.* sterling, and be imprisoned until she deliver up the instrument aforesaid.

1611[-12], January 29.—Walter Bryan, Edmond Synnott, Edmond Codd, James Butler and Thomas Codd—being five of a jury empanelled at Wexford before the Bishop of Fearnes and

other Commissioners to enquire into the King's title to the lands of the Morroghes and Kynsalies—condemned to pay fines of 30*l.* English apiece and to be imprisoned during pleasure, for refusing to join with the rest of the jury in finding the King's title to the said lands.

1611-12, Jan. 31.—Robert Talbott of Temple Oge, co. Dublin, esquire, late sheriff of the county, *v.* James Barnwell of Brymore, Elizabeth, his wife, Nicholas Connor, Thomas Russell and others.

James and Elizabeth Barnwell condemned to pay a fine of 100*l.* English, Connor and Russell 10*l.* apiece, and all to be imprisoned during pleasure, for "the rescuing and forcibly taking off a distress" taken by complainant, by virtue of a writ out of the Exchequer, of the goods of the said James Barnwell, upon the lands of Brymore.

1612, May 6.—Upon information that Edmond Bourne of Williamstone, Edmond Bourne of Port Rushin, James Archebolde, Philip Walshe, Edmond Walshe, James Cooke, Thomas Eustace, Walter Grace and others—being a jury impanelled at Catherlogh in February last, before Sir John Blenerhasset, knt., and John Beare, esq., justices of assize, for the trial of Donell O'Mackyn, indicted of treason for relieving Teig Boy, Donogh O'Shea and Walter Devourox, notorious rebels—had, contrary to direct evidence and proof, acquitted the above Donell O'Mackyn :—

Decree condemning the two Bournes, as "leaders and inducers" of the rest, to pay a fine of 40*l.* apiece and the other six, 20*l.* apiece, and all of them to be imprisoned during pleasure.

May 8.—Peter Larkin, Edward Eustace, Martyn Foster, James Garlande, Patrick Cleere and Christopher White, of the city of Dublin, merchants, to pay fines of 100 marks apiece and to be imprisoned during pleasure, for refusing to join with others, their fellow jurors, in presenting as recusants such as were proved by the testimony of the ministers and clerks of the parish churches within the said city to have wilfully refused to resort to the said churches to hear divine service upon the Sabbath and other holy days.

May 20.—Sir John Bynghame of Clonegashell, co. Mayo, knight, *v.* Sir Theobalde Bourke, knight, Myles Bourke, his son and heir, Cosney McEgan, Edmond McPhylpin or McPhillipyn, and others.

Sir Theobald Bourke to pay a fine of 40*l.* and suffer imprisonment during pleasure, for riotously repairing to Castle Barry, pulling down complainant's cottages and beating and driving away his tenants. The rest of the defendants, being in attendance on Sir Theobald, and having been already punished for the offence, are to be dismissed.

June 19.—Denys Byrne of Dublin, merchant, *v.* John Woolverston of Kylpoole, co. Wicklow, gent., Edmond McCavenagh, Donogh O'Broe, Edmond O'Doran, Patrick Neveagh and others.

John Woolverston to pay a fine of 10*l.* "harpes" and the rest 5*l.* "harpes"* apiece, and all of them to be imprisoned at pleasure, for driving away from the complainant's lands of Balleneparke thirty cows, "being the only means and sustenance" of the poor tenants there.

November 13.—Dermot McGylpatricke of Kylmacurragh, co. Wicklow, gent., *v.* John Woolverston of Kylpoole, gent., Redmond McCavenagh, Morrough McShane and others.

The three above named defendants to pay fines respectively of 5*l.*, 40*s.* and 20*s.* English money, and to be imprisoned at pleasure, for coming upon the complainant's lands of Kylmacurragh, where his servants were harrowing, beating the said servants, breaking up the harrows and carrying the garrans away with them.

November 20.—Sir Richard Greame and Thomas Greame to pay a fine of 10*l.* each and to be imprisoned at pleasure for their misdemeanour in disturbing the proceedings of a commission to enquire concerning lands concealed from the Crown in Imale, co. Wicklow, when they and others marched to the place in warlike manner, called the witnesses "a company of garran-stealers and rebels," threatened Peter Delahyde, his Majesty's counsel, that they "would pull his beard from his face and would made the hair of the crown of his head fall to his nose" and, the day following, beat and battered one of the witnesses, and drew sword upon Charles Valentyne, gent., when he rebuked them for so doing.

November 25.—James Terrell of Castleloste—foreman of a grand jury empanelled at Mollyngar, co. Westmeath, in August last, before Sir William Methwolde, knt., Lord Chief Baron of Exchequer, and Daniel Pecke, esq., Justices of Assize—to pay a fine of 100*l.* English money, and the rest of the jury 100 marks apiece, English money, and all of them to be imprisoned during pleasure, for refusing to present recusants, in spite of manifest proof against them.

Same date.—Edmond Butler of Cloghicullyn and Jeffrey Mockeler of Ballynatten—being the leaders of a grand jury impanelled at Cashell, co. Crosse Tipperary, last July, before Lord Chief Justice Walshe and Sergeant John Beare, Justices of Assize—to pay a fine of 40*l.* apiece, and the rest of the Jury 30*l.* apiece, English money, and all of them to be imprisoned during pleasure, for refusing to present recusants.

Same date.—Robert Plunket of Posickestone, Gerrald Cruice of Bryttas, Richard Balfe of Cregge and Gerrald Lynce of Kylmore, co. Meath—being members of a jury impanelled at Trimme, in August last, before Chief Baron Methwolde and Daniel Pecke, esq., Justices of Assize—to pay a fine of 20*l.* English apiece and to be imprisoned during pleasure, for refusing to join with the ten† other jurors in presenting as recusants above a hundred

* *i.e.* Irish money, marked with a harp.

† Further on in the entry, there are said to have been eleven others.

persons in the two parishes of Cloine and Castle Ryckard, in spite of the testimony upon oath of Myles Pemerton, curate of the said parishes.

1613, April 30.—Walter French of Galway, esquire, *v.* Dominick Browne and Ambrose Bodkyne, of the same, merchants, and five others.

Dominick Browne to pay a fine of 100*l.*, and Ambrose Bodkyne and the rest 10*l.* apiece, and all of them to be imprisoned during pleasure, for forcibly keeping and grazing their cattle upon the "waste, chapel, hamlet and lands called Cowbrahan," co. Galway, "being in the plaintiff's quiet and peaceable possession."

May 7.—James Braye, William Brenock, Walter O'Mulryan and Thomas White—members of a jury impanelled in February last at Clonmell, in the county of the liberty of Tipperary, before Chief Baron Methwolde and Garrald Loather, esq., Justice of Common Pleas, as Justices of Assize—to pay a fine of 40*l.* English apiece and to be imprisoned during pleasure, for refusing to join with the rest of the jury in presenting as recusants those inhabitants of Clonmel certified as such by the minister of the parish.

Same date.—Pierce Butler of Knockgrafond, Richard Purcell of Loghmoy and John Tobin of Killagh—members of a jury impanelled at Clonmell in February last, before Chief Baron Methwolde and Justice Loather—to pay a fine of 200*l.* English apiece and the rest of the jury 40*l.* apiece, and all of them to be imprisoned at pleasure, for refusing to present as recusants divers of the parishioners of Lisronagh, upon the testimony of one Dybsall, a minister, having no other reason to give but that it was against their conscience "which answer this Court did absolutely reject and disallow."

May 14.—Callaghan McCnogher O'Callaghan of Cloyne, Donell McTeige Carty of Dysert, Owen McDonough of Ballymacmuragh and Donell McDonnagh Sassynagh of Twonagh, co. Cork—jurors impanelled at Cork before Chief Baron Methwolde and Justice Loather upon the trial of Con McCahir for robbing Thomas Andrews—to pay a fine of 40*l.* apiece and to be imprisoned during pleasure, for refusing to join with their fellow jurors in finding a verdict of guilty against the said McCahir.

1613[-14], February 11.—Sir Edward Brabazon, knt. and Privy Counsellor, *v.* John Cage of Dublin, merchant.

John Cage to pay a fine of 200*l.* English, to be imprisoned during pleasure, and to make a public submission in Court, for having divers times declared in presence of Sir James Carroll, knight, Mayor of Dublin, Sir James Hamelton and others, that Sir Edward Brabazon had seized for his own use the goods of one Laurence Clearck, a fugitive for debt, and had invited the Lord Chancellor to his house to "make good" what he had done; that he (Cage) had as good gentlemen in his service as Sir Edward,

who was neither worthy knight nor worthy gentleman; and—upon the Mayor telling him that such speeches were unfit, and that if Sir Edward had done him wrong, he should complain to the Lord Deputy and Council—that the only remedy he would have there would be to be laughed at for his labour.

1614, May 23.—Thomas Gernon—leader of a jury impanelled in co. Monoghane in March last, before Chief Baron Methwolde and William Sparcke, esq., justice of Chief Pleas—to pay a fine of 20*l.* English, and six other jurors a fine of 5*l.* Irish apiece, and all of them to be imprisoned during pleasure, for refusing to present as recusants such inhabitants of the said county as were testified against by the ministers of the several parishes.

June 3.—Edmond Conyam of Conyamstowne, co. Wicklow, gent., *v.* Cahir McMorogh O'Byrne of Kilcomen, gent., Donough Oge O'Cullen, Callough McEdmond Oge O'Byrne, Teige O'Byrne, Bryen McDonnough and others.

Cahir McMorough O'Byrne to pay a fine of 10*l.*, Donough Oge O'Cullen and Callough McEdmond Oge O'Byrne, 5*l.* apiece, and Bryan McDonnough, 5 marks, and all of them to be imprisoned during pleasure for disturbing complainant's servants divers times when they were ploughing, and for assaulting and wounding complainant himself.

November 16.—Gerald, Edmond, Conell (of Tyrilicken), Conell (of Bealclare), Murogh, John, Terlagh, Edmond, Gerrald (of Gurtumoylan), Hubert, Charles, James and Donell O'Ferrall, Teige and Edmond McConnicke, Patrick McKedaugh and Rory McTerlaugh—being a jury impanelled in co. Longford, in August last, before Christopher Sybthorp and William Sparck, esquires, Justices of his Majesty's Chief Bench—to pay a fine of 20*l.* apiece and to be imprisoned during pleasure, for refusing to present recusants.

Same date.—William O'Ferrall, Lysaugh O'Ferrall and Edmond Nugent, of co. Longford—being jurors impanelled in the said county, before Justices Christopher Sybthorpe and William Sparcke in August last—to pay fines—the two O'Ferrall's 20*l.* apiece, and Nugent (who insolently defended his conduct) 40*l.*—and to be imprisoned during pleasure, for the like offence.

November 18.—Richard Rath, Edward Hollywood, James and Thomas Taaffe, Alexander Pluncket, Roger Chamberlayne and Christopher White, of co. Lowth—being jurors impanelled in the said county before Chief Baron Methwolde and Sir John Ellyot, knight, Baron of Exchequer—to pay a fine of 40*l.* apiece and to be imprisoned during pleasure, for the like offence.

November 25.—John Allen, late High Sheriff of co. Wexford, to pay a fine of 20*l.* and to be imprisoned during pleasure, for reprieving for six days, without warrant, a prisoner who had been ordered by the Justices of Assize for immediate execution.

1615, May 5.—Henry Breerton and Barnaby FitzPatricke, esquires, John Moore, Walter FitzGerrald, Hugh Dempsie, Theobald Butler, Walter Grace, Alexander Donell, Patrick Forstall, Donell McNeale, Donell FitzPatricke, and Roger Dongon —being a jury impanelled at Marriborogh, Queen's County, for the trial of Jeffrey Keating, arraigned of treason for relieving Piers Keating, a notorious traitor, who had murdered Henry Davells, a faithful subject—to pay fines "according to the reducement" of 3*l.* apiece, and to be imprisoned at pleasure, for acquitting the said Jeffrey Keating, contrary to the direct evidence.

Same date.—The like sentence passed upon Walter Barnwell, Edward Pentney, William Betagh, Thomas Plunckett, Christopher and Patrick Barnwell, Edward and John Flemynge, David Russell, Peter Dyllon, Thomas Pluncket and Henry Crompe—being a jury impanelled in the Court of his Majesty's Chief Bench in Dublin —for acquitting John Darcy, John Warrynge, Robert Everard, Edmond Mannynge, William Delahide, Patrick Begg, James Cusacke, Richard and Thomas Read and Thomas Nettervill, of co. Meath, indicted for hearing mass "said and celebrated by one Richard Mysset, a Popish priest," at Navan; it being manifestly proved that all these persons with a multitude of others, were present at the said mass.

November 15.—Patrick Aylmer, Nicholas Conway, Alexander Eustace, Nicholas Woulfe, Patrick Sanders, Thomas Ash FitzEdward and Garrald FitzGarrald, of co. Kildare—jurors impanelled in the said county before Chief Baron Methwolde and Peter Palmer, esq., justice of Common Pleas, in August last—to pay a fine "according to the reducement" of 5*l.* Irish, apiece, and Gerrald Wesley 40*s.* Irish, and all of them to be imprisoned during pleasure, for refusing to present recusants.

November 17.—Rowland Rowceter, John Walsh, John Roch, Donell McFardaraigh, Domaigh McMoriertagh, Stephen Synnot, Mathew Furlonge, Oliver Keatinge, Joseph Codd, Teige McMoriertagh and Thomas Scurlocke of co. Wexford—jurors impanelled in the said county before Chief Baron Methwold and Justice Palmer in August last—to pay a fine of 20 nobles apiece, "according to the reducement," and to be imprisoned during pleasure, for the like offence.

Same date.—Edmond Ragged, Nicholas Archer and Walter Cleere of Kilkenny, Richard Purcell of Cellerstowne, and Thomas Treyne, Daniel Martin, Patrick Macky, Donnogh O'Brohe, John Sprice, John Ronan, William O'Dullochoute, James Lonan, John Ragged and Edmond O'Tehan of Kilkenny—being a jury impanelled at Kilkenny in August last, before Chief Baron Methwolde and Justice Palmer—to pay a fine of 4 marks Irish apiece and to be imprisoned during pleasure, for the like offence.

November 22.—James Purcell, Teige and Gerrald McCahire, Christopher Everson, Terrence O'Leyne, Robert Goarst, Hugh

Fagan and Donald McHughe, co. Catherlogh—jurors impanelled in the said county before the Chief Baron and Justice Palmer in August last—to pay a fine of 5*l.* Irish apiece and to be imprisoned during pleasure, for the like offence.

1615[-16], February.—Thomas Crooke and James Salmon of Baltymore, co. Cork, *v.* Walter Coppinger, Richard Coppinger, his brother, Donnogh O'Driscoll, Edmond Power and others of co. Cork.

The two Coppingers to pay fines of 20*l.* each, and Donnough Driscoll a fine of 20 marks and all three to be imprisoned during pleasure, for riotously endeavouring to "subplant" and for bringing malicious indictments of treason against Thomas Crooke and his English tenants, newly planted at Baltymore. [*See Petition of James Spenser and others. S.P. Ireland, Vol.* 234, 7*c.*]

1616, April 24.—Lord Inchiquin to pay a fine "according to the reducement" of 100*l.* Irish, and to be imprisoned during pleasure, for having received into his house one Nicholas Nugent, a Jesuit, "and relieved, comforted and harboured him . . . for the space of eighteen or twenty days, in which time the said Nicholas Nugent said and celebrated the service of the mass in the said Lord Baron's house several times, his lordship, his lady, with many of his servants, being present and hearing the said mass," all of which has been acknowledged by Lord Inchiquin upon examination. [*See Lords Justices' letter of April* 25. *S.P. Ireland, Vol.* 234, 16.]

April 26.—William White, William FitzGarrold, Garrold Dillon, Edmond Dalton, James Dillon and James Dalton—members of a grand jury impanelled at Mollyngar, co. Westmeath in February last, before Sir John Blenerhasset, knt., Baron of Exchequer, and William Sparke, esq., Justice of the Chief Bench—to pay fines of 10*l.* harpes apiece and to be imprisoned during pleasure, for refusing to present recusants.

Same date.—Connocke and James McHubert O'Farrell—jurors impanelled in co. Longford before Sir John Blenerhasset and Justice Sparke in March last—to pay fines of 20 marks English apiece (they having declared that they would do the same again) and Lysawgh O'Farrell, Donnogh McRichard, Garret McRory, Owen McKegan and Bryen McMellaghlyn, others of the said jury, to pay fines of 10*l.* harpes apiece, and all of them to be imprisoned during pleasure, for the like offence.

May 1.—Lucas Shea, late mayor of Kilkenny, to pay a fine of 40 marks English, and Adam Bryver and William Murphey, late sheriffs of the said city, fines of 20 marks apiece, and all of them to suffer imprisonment during pleasure, for executing their offices (from Michaelmas, 1615, until the March following) without having taken the oath of Supremacy.

Same date.—Patrick Dobbyn, late sovereign of Thomastowne, George Verden, late sovereign of Killmallocke, William Nash,

late port-reeve of Gawran, and James Dulan, late port-reeve of Inystyoge, to pay fines of 50 marks apiece and to be imprisoned during pleasure for executing their several offices from Michaelmas, 1615, until the March following, without having taken the oath of supremacy.

1616, May 3.—Upon information that Walter Cregg of Mount Rosse in Scotland, "being at Lysborne in Spain, and there freighted with salt to transport the same into Ireland" brought with him from Spain, at the request of one Anthony Arthur, merchant, of Lymerick (contrary to the King's proclamation), one Nicholas Nugent, a known Jesuit, and one William Maloane, a priest, and landed them at Inche Katheryn in the river Shannon;—

And upon Cregg's confession in open Court that he had done so;—

Decree condemning the said Walter Cregg to pay a fine of 10*l.* Irish, and to be imprisoned during pleasure.

May 8.—John Coppinger, Mayor of Cork, and Simon Fannynge, Mayor of Lymerick, to pay fines of 30*l.* English apiece; John Skiddy, Mayor of Waterford, and Bennet White, Mayor of Clonmell, fines of 20*l.* apiece; and Patrick Cronynge, one of the sheriffs of the city of Cork, a fine of 10*l.* Irish, and all of them to be imprisoned during pleasure, for executing their several offices without having taken the oath of supremacy.

May 10.—Edmond Sexton of the city of Lymericke, esq., *v.* William Haly, Dominick Roch, Piers Creagh, Dominick Creagh, Edmond Fox and William Stritch of the said city, aldermen, Walter White FitzNicholas, Robert and Thomas White, George Richford, George Sexten, William Mahowne, James Stackpoll, William Creagh FitzMartyn, Thomas Mulrony, Philip Ronan, Stephen Woulfe, Piers Oge Creagh, Richard Gallway and Stephen White FitzEdmond, all of the city of Lymericke, merchants, and others.

William Haly, late Mayor of Lymericke and leader of the other defendants, to pay a fine of 20*l.*, and the others (with the exception of William Stritch) a fine of 10*l.* apiece, and all to be imprisoned during pleasure, for conspiring to keep complainant in continual suits of law, lest he should "grow to such wealth as that he would purchase lands and tenements within the county and city of Limerick worth a thousand pounds," to which end they riotously resorted to his lands in the suburbs of Lymericke, being part of the possessions of the late Abbey or Monastery called St. Mary House, drove away his workmen, and pulled down the house he had lately erected there.

William Stritch to be discharged, there being no evidence that he was present at the riot.

June 7.—Thomas Orpye and Walter Usher, late sheriffs of the city of Dublin, to pay fines of 40*l.* and 100 marks respectively, and Stephen White and Thomas Groome, late sheriffs of Drogheda, and James Dowdall, late one of the Bailiffs of Dondalke,

fines of 20 marks apiece, English money, and all of them to be imprisoned during pleasure, for exercising their several offices without having taken the oath of supremacy.

November 13.—Alexander Cuffe, late mayor of Waterford, Christopher Creagh, late mayor of Lymericke, and Patrick White, late sheriff of the city of Waterford, to pay fines of 40*l.* apiece; John Rooth FitzPiers, late mayor of Kilkenny, a fine of 50*l.*, Lewes Bryan, late sheriff of the same, 20*l.*, and Piers Bray, late bailiff of Clonmell, and Patrick Everard, late sovereign of Fetherd, 10*l.* apiece, all English money, for executing their several offices without having taken the oath of supremacy.

November 15.—Nicholas FitzWilliams of Burdungan, co. Dublin, esquire, to pay a fine of 40*l.* English and to be imprisoned during pleasure, for harbouring at his house of Burdungan, and openly bringing to Dublin in his company, one Patrick Duffe, a popish priest, in contempt of his Majesty's proclamations banishing out of the kingdom, and forbidding his subjects to "cherish, comfort or relieve" all Jesuits, seminary priests, friars or popish priests "made and ordained by foreign authority."

November 20.—Upon information that William O'Mara, sheriff of co. Tipperary, has exercised his office without taking the oath of supremacy; and also that at the last Lent Assizes divers prisoners being committed to his safe keeping until they had paid their fines, he set them free of his own pleasure the day after the Assizes ended, without their having answered their fines:—

Decree, remitting his first offence, as it appears that the sheriff of co. Tipperary "hath been nominated and appointed by the Earls of Ormond in former times and none of them have had the oath of supremacy offered unto them;" but condemning him to pay a fine of 20*l.* English and to be imprisoned during pleasure, for setting prisoners at liberty without authority before they had paid their fines.

Same date.—Nicholas Laffan of the Slane, Jasper Synnot of Ballymore, Balthazer Codd of Garrylegh, Richard Lowes of the Nugge, Walter Rowceter of Slavoy, John Sutton of Ballysopp, Callowe McWilliam of Conlartan, Thos. Maloane of Garrenuske, and Rowland Rowceter of Tonncedilly—being a grand jury impanelled in co. Wexford, before Chief Baron Methwoulde and Sir John Elliot, knight, third Baron—to pay fines of 20*l.* English apiece and to be imprisoned during pleasure, for refusing to present recusants.

Same date.—Edmond Brenan of Adamstowne—being of a grand jury impanelled at Mollyngar, co. Westmeath, in August last, before Sir Dominick Sarsfield, Chief Justice of Common Pleas and Justice Sparke—to pay a fine of 20*l.* English; and John Hopp of Hedwichstowne, Thomas Magoghegan of Comynstowne, Richard Hedwich of Mollingar, Patrick Frayne of Tolegeigh, Robert FitzSymons of Fowre, and Nicholas Dalton of

Ballybog, other members of the same jury, fines of 10*l.* apiece, and all of them to be imprisoned during pleasure, for refusing to present recusants.

1616, Nov. 20.—Christopher Shea, John Rooth FitzEdward and John Honygham of Kilkenny—members of a grand jury impanelled at Kilkenny in August last before Chief Baron Methwould and Sir John Elliot—to pay fines of 5*l.* English apiece; and Symon Seise, Robert Brenagh, Donell O'Dulany, John Howyn, Nicholas Wery, John Raggett and James Dobbyn, also of Kilkenny—other members of the same jury—to pay fines of 40*s.* apiece, and all of them to be imprisoned during pleasure, for the like offence.

November 22.—William Byrne of Oldtowne, William Barry of Miltowne and David McJefferye of Ballycanrygam—members of a grand jury impanelled at Catherlogh, co. Catherlogh, in August last, before Chief Baron Methwould and Sir John Elliot—to pay fines of 20*l.* English apiece and to be imprisoned during pleasure, for the like offence.

Same date.—James Dalton of Ballynecrany, Oliver Grace of Ballyhiggen, Richard Purcell of Lysmayne, Richard Butler of Vantsestowne, Daniel Oge O'Honoghen of Coal Cashell and Piers O'Ryan of Stackally—being members of a grand jury impanelled in co. Kilkenny last August before Chief Baron Methwold and Sir John Elliot—to pay fines of 10*l.* apiece; and Robert Walsh of Ballynecrolly, Edmond Dobbyn of Lysnetane, Thomas Purcell of Garryduffe and Nicholas Archdeacon of Cloghela—members of the same jury—fines of 20*l.* apiece, and all of them to be imprisoned during pleasure, for the like offence.

Same date.—James Eustace, Gilbert Sutton of Ardrasse, Morrice FitzGarrald of Killrush, Edmond Wesley of Norrogh, Meyler Fay of Herbertstowne, Henry Stanyhurst of Kilgone, Peter FitzGarrald of Bealan and John FitzGarrald—members of a grand jury impanelled at the Naas, co. Kildare, in August last before Chief Baron Methwould and Sir John Elliot—to pay fines of 20*l.* apiece, and to be imprisoned during pleasure, for the like offence.

Same date.—Phillip McDonell McCragh of Montayne Castle, Donell McThomas McCragh of Banfowne, Walter Mansfield of Ballenemultenagh, Thibbot FitzJohn of Clooneigh, John Power of Garranmellane, Richard Power of Clondonell, William Wale of Cowlenennicke, James Butler of Creghamnagh, Morrice Power of Ballyscanlan and Morrice Power of Ballynebannagh—grand jurors impanelled in co. Waterford before Sir John Blenerhasset, knight, Baron of Exchequer, and Richard Bolton, esq.—to pay fines of 20*l.* apiece, and to be imprisoned during pleasure, for the like offence.

Same date.—William Mansell of Cattellyastowne, Rory O'Kennedy of Killeny, Geffry Mockler of Mocklerstowne, Nicholas

Sauce of Sawcestowne, John O'Meagher of Clonekenny, and Edmond Comyn of Tullaghmayne—members of a grand jury impanelled at Clonmell before Sir John Blennerhasset and Richard Bolton, esquire—to pay a fine of 20*l.* English apiece and to be imprisoned at pleasure, for refusing to present recusants.

1616, Nov. 22.—Thomas Butler of Moretowne and Thomas Stapelton of Lynestowne—grand jurors impanelled at Cashell, co. Crosse Tipperary, before Baron Blenerhasset and Richard Bolton, esq.—to pay a fine of 20*l.* apiece; and John O'Dwyer of Dendrumyn—also of the said jury—to pay a fine of 15*l.* for the like offence.

November 27.—Symon White, late sovereign of New Rosse, Mighell Archer, late sheriff of the city of Kilkenny, and Thomas Aysh, late port-rive of the Naas, to pay fines of 10*l.* apiece and to be imprisoned during pleasure, for executing their offices without having taken the oath of supremacy.

1616[-17], January 24.—John Woulverston of Wicklow, esquire, Justice of the Peace, *v.* Nicholas Walsh of Baltomyne and William Walsh of Donbarr in the same county, gentlemen.

Upon information and proof that William Walsh in October, 1614, had given complainant the lie, and challenged him to fight, "which was a contentious misdemeanour towards a justice of the peace"; and that Nicholas Walsh had gone to his house, using abusive words, "with comparisons of the difference between the Walshes and the Woulverstons blood and birth," and the next day, close to the Sessions House, had given him a box on the ear and drawn his dagger upon him, upon which the bystanders interfered and a tumult would have ensued, had not Woulverston, "with great temperance and discretion," commanded his servants and persuaded his friends to be quiet and keep the peace:—

Decree condemning William and Nicholas Walsh to pay fines of 5*l.* and 10*l.* respectively, and to be imprisoned during pleasure for their offences towards the complainant.

With further order that as the said offences were "public and committed in contempt of magistracy and justice," and that the people of Wicklow may see how careful this court is that reverence should be paid to those in authority under his Majesty, the defendants, before being enlarged, shall find sureties for their appearance at the next general sessions in co. Wicklow, when this decree shall be read, and they shall acknowledge their offence in open court.

January 29.—Symon Malone and Walter Locke, late sheriffs of the city of Dublin, to pay fines of 40*l.* apiece and to be imprisoned in the Castle during pleasure; and James Archdeacon, late port-rive of Inistioge, co. Kilkenny, to pay a fine of 5*l.* and be imprisoned in the Marshalsea during pleasure, for executing their offices without having taken the oath of supremacy.

January 31.—Donnagh McThomas of Roskeagh, co. Wicklow, gent., *v.* Edmond Conyan of Conyanstowne and five of his tenants.

Edmond Conyan to pay a fine of 10*l.* for himself and the others, and all of them to be imprisoned during pleasure, for driving a hundred cows, upon the Sabbath day, on to the complainant's lands of Kilnemanaghbegg, and for rescuing the said cows when complainant would have distrained and impounded them "damage fesance."

1617, May 14.—Nicholas Devourox, late Mayor of Wexford, to pay a fine of 50*l.* and to be imprisoned during pleasure for executing his office without having taken the oath of supremacy.

May 16.—Thomas Flemynge of Bealgoly and Edmond Garret of Garretstowne, co. Cork, gentlemen, to pay a fine of 20*l.* apiece, to be imprisoned during pleasure, to be set on the pillory "on the most frequent market day in the week, being Saturday," from eight to eleven in the forenoon, and to be brought into each of the four Courts in Dublin this term, and also to be sent prisoners to the next Assizes held in co. Cork, "then and there in open court," with papers on their heads, to acknowledge their offence in refusing to join with the rest of a petty jury in co. Cork, in bringing in a verdict of guilty against Tibbott Roch FitzJohn for the wilful murder of John Ogne Moyle, although it evidently appeared that the said Tibbott had committed the murder with his own hand.

May 21.—Christopher Taaffe of Braganstowne, John Taaffe of Stephenston, Lawrence Sedgrave of the Graunge, Christopher White of Ballugg, Patrick Clinton of Irishton and Alexander Pluncket of the Bawne, all of co. Louth—members of a jury impanelled at Dondalke in March last before Gerald Lowther, esquire, justice of Common Pleas, and Sir John Davis, Attorney General—to pay fines of 20*l.* apiece and to be imprisoned during pleasure, for refusing to join with the rest of the jury to present recusants.

Same date.—The same sentence passed on John Magenisse of Corogh, co. Down, one of a grand jury impanelled at Down in March last, before Justice Lowther and Sir John Davis, for the like offence.

Same date.—Morrough O'Farrell of Cashelbegg, Edmond McConnoucke of Fastongort, Thomas McTeige O'Farrell of Sonnagh, Donnough McGarret of Shanclony, John Oge O'Farrell of Aghaffyn, Richard McDonough of Corre, and Shane Quyn of Lissechuill, all co. Longford—being grand jurors impanelled at Ardaugh in the said county in March last before Sir Francis Aungier, knight, Master of the Rolls, and Sir Robert Oglethorp, knight, Baron of Exchequer—to pay fines of 10*l.* apiece and to be imprisoned during pleasure for the like offence.

Same date.—Teige O'Connor of Cryve, and Owen McNeyle McSwyne de Carrowcashell, co. Sligo—members of a grand jury impanelled in April last at Sligo before Sir Francis Aungier and Sir Robert Oglethorpe—to pay a fine of 20*l.* apiece; and Thomas Greene of Cowlesheagh, Dermot McCrany of Balle Ederanye and Mulrone McDonnagh of Clonnetemackine, co. Sligo—members of the same jury—to pay a fine of 50*l.* apiece, and all to be imprisoned during pleasure for the like offence.

But as the last three have entered into bond to repair to church according to the laws, their fines are to be remitted.

May 21.—Nicholas Whittie of Batlestowne, Hamond Stafford of Ballyconnor and John McKerhoe of Ballyellis, co. Wexford—members of a grand jury impanelled at Wexford in March last before Chief Baron Methwould and Peter Palmer, esq., Justice of Common Pleas—to pay fines of 50*l.*, 25*l.* and 10*l.* respectively, and to be imprisoned during pleasure, for refusing to present recusants.

May 23.—Richard Rooth FitzEdward—one of a grand jury impanelled at Kilkenny at the last general sessions—to pay a fine of 20*l.*; and John Monney, Thomas Stringer, John Donnoghoe, Daniel Martyn, John Flemynge, John Hue, James Troy and John Neale—other members of the said jury—to pay fines of 10*l.* Irish apiece, and all of them to be imprisoned at pleasure, for the like offence.

With further decree condemning Patrick Roche—one of the grand jury at the last assizes for co. Wexford—to pay a fine of 100*l.*, to be imprisoned during pleasure, and to be brought with a paper on his head into each of the four courts in Dublin and also to the next general assizes in co. Wexford, there openly to acknowledge his offences, not only in breaking his oath as a grand juror by refusing to present recusants, but in breaking faith with this court, and contemptuously misdemeaning himself this day in open face of the court.

John Stafford, another of the same jury—having assured the Court that "he hath ever come to Church and ever will do" and that his error proceeded of mere ignorance, he never having been of a jury before, and having also faithfully promised to reform his fault at the next assizes—to be bound in 100*l.* for the payment of a fine of 20*l.* if he fails to bring in a certificate next Michaelmas that he has performed his promised service; in hopes of which his imprisonment is for the present remitted.

May 28.—Upon information that William Baggott of Dublin, merchant, had, contrary to his Majesty's "Imperial commandment," dared to entertain popish priests and Jesuits "the professed and practising enemies against the King, against his Crown and against the glorious gospel of Jesus Christ, now professed in the most places and by the greatest part (by odds) of all his subjects;"—

And upon voluntary confession that from Michaelmas, 1613, until the present time he hath entertained one whom he knew to be a Romish priest "and yet for conscience sake would never discover him, and for that the said priest was taken in his house by the extraordinary vigilance and care of the Lord Chancellor, at such time as he was ready to go to say his Mass, as did appear by the Altar ready drest with all other ordinary appendances and accoutrements prepared for the celebration of that detestable and devilish idolatory;—

"And for that his said fault was greatly augmented by the circumstances of time and place, as in respect of time the priest was harboured in the parliament time, that he might be ready to

advise and consult with or to direct such of the Romanists as were specially interested in the public affairs . . . and in respect of place the house was made a kind of church, standing in the most frequent street of the city, and wholly dedicated to superstition and the highest idolatry ":—

And lastly, as he openly denied in court having had any conversation with the said priest during these four years or that he at any time went to his services or masses, from which denial it must be concluded "that he was either a manifest, notorious and most impudent liar, if he did go, or a very mere Atheist, if in so long a time he would never go where he supposed the name of God was called upon, and Jesus Christ in his true natural body (though invisible) was elevated and adored ":—

Decree, condemning him to pay a fine of 20*l.* and to be imprisoned during pleasure.

[Not dated.]—John Moore of the Bryce, co. Galway, esq, to pay a fine of 200 marks; Feagh Bourke of Down Iman, esq., and Teige O'Daly of Killymore, gent., 100*l.* apiece; Fardarragh McRickard of the Moate, gent., and Nicholas Hannynge of Old Castle, gent, 50*l.* apiece; William Roe Bourke of Ballenduffe, gent., and William Oge Lally of Ballenebauby, gent., 30*l.* apiece, and Lawrence Bodkyn of Farhgar, gent., 40*l.*, for refusing—when impanelled as a jury at the assizes held at the late dissolved Abbey of St. Francis near Galway in August last before the Master of the Rolls and Sir Robert Oglethorpe—to bring in a verdict of guilty against James Evers, late of Killmurry, and Ann Janes of Oghill, co. Galway, for the wilful murder of Henry Sprat late of Killdyny, in the same county, although it was manifestly proved that James Evers had committed the murder at the instigation of Ann Janes.

1617, July 4.—Richard Wale, John McKeogh, Owen Boy McKeogh and James Glynn, co. Crosse Tipperary—members of a grand jury impanelled at Cashell before Sir John Blenerhasset and Justice Sparke—to pay fines of 5*l.* apiece, be imprisoned during pleasure, and to make full acknowledgement of their offence with papers on their heads in the four courts of Dublin and at the next general assizes in co. Crosse Tipperary, for refusing to join with the rest of the jury to present recusants:

With further order that in regard of their poverty, the Lord Deputy remits the fines.

Same date.—Edmond O'Hedyn, Phillip English, Piers Comyn and John Mother, of the county of the liberty of Tipperary—being grand jurors impanelled in the said county in this year, 1617, before Sir John Blenerhasset and Justice Sparke—to pay a fine of 5 marks apiece and to be imprisoned during pleasure for the like offence; the fine having been lessened "in regard of the service the said persons had done in causing to be apprehended a notorious murderer."

November 7.—John Roch Fitz John, John Colmon and Edmond Coppinger of Cork, merchants—being of a grand jury impanelled

at Cork in September last before Chief Baron Methwould and Sir John Blenerhasset—to pay fines of 20*l.* apiece and to be imprisoned during pleasure, for refusing to present recusants.

November 7.—Boetius McEgan of Sesseraghkell, co. Crosse Tipperary—being one of a grand jury impanelled before the above named justices at Cashel in September last—to pay a fine of 10*l.*, and to be imprisoned during pleasure, for the like offence.

November 12.—Nicholas Power of Dounhill, Walter and William Power of Kilballykelty, and Nicholas Power of Whitstowne, co. Waterford—being members of a grand jury impanelled in co. Waterford in this year 1617, before the above named justices—to pay fines of 30*l.* apiece; and Rowland Power of Corduffe, Jeffrey Power of Fedane, Teige O'Bryan of Ballyknocke and Nicholas Power of Georgestowne—also members of the said jury—to pay fines of 20*l.* apiece, and all of them to be imprisoned during pleasure, for the like offence.

Same date.—Piers Butler FitzWalter of Nodstowne, Piers Hacket of Ballytrasny and John O'Kennedy of Lackine—members of a grand jury impanelled before the above named justices at Clonmell in September last—to pay fines of 30*l.* apiece, and John Keating of Nicholstowne, Teige O'Mullryan of Lysnesilly, Rory O'Kennedy of Ballynecloghie, James Marnell of Lysnemrocke and Edmond O'Hedyne of Moynard, all co. Tipperary—being likewise members of the said jury, fines of 20*l.* apiece, and all of them to be imprisoned during pleasure, for the like offence.

Same date.—Robert Rooth or Roth of Kilkenny, esquire—being a grand juror at the said city, before Sir William Jones, Lord Chief Justice, and Garrald Lowther esq., Justice of Common Pleas—to pay a fine of 40*l.*; and Walter Dowlinge and Richard Troy, of the same city, gentlemen—being likewise of the said jury—to pay fines of 10*l.* apiece, and all of them to be imprisoned during pleasure, for the like offence.

Same date.—Bryan Oge Magrory Magenis of Killwarly, co. Down—being one of a grand jury impanelled at Dromore, in the said county, before Sir Dominick Sarsfield, Chief Justice of Common Pleas, and Serjeant Brereton, in October last—to pay a fine of 20*l.* and to be imprisoned during pleasure, for the like offence.

Same date.—Connell O'Farrell of Tynnelicke, Lysagh McJames O'Farrell of Killsrow, and Edmond Reogh O'Farrell of Ryne, co. Longford—being of a grand jury impanelled in the said county before the Master of the Rolls and Sir Robert Oglethorp—to pay fines severally of 20*l.*, 60*l.* and 10*l.*, and all of them to be imprisoned during pleasure, for the like offence.

Same date.—Walter Talbott of Ballyconill and Thomas Flemynge of Cabragh, co. Cavan—grand jurors impanelled at Cavan in August last before Christopher Sibthorp, esquire, Justice of Common Pleas, and Sir John Davies, knight, Attorney General—to pay fines of 60*l.* apiece, and to be imprisoned during pleasure, for the like offence.

1617, Nov. 19.—Rosse McGoghegan of Moychassell, and Garrald Terrell of Pacekilbride, co. Westmeath—being of a grand jury impanelled in September last, before the Master of the Rolls and Sir Robert Oglethorpe, in co. Westmeath—to pay fines of 60*l.* and 20*l.* respectively, to be imprisoned during pleasure, and before their enlargement, to make a written confession of their fault, for refusing to present recusants.

November 26.—Donnell Oge O'Roricke, co. Leytrime, one of a grand jury impanelled in the said county, before the above-named Justices in this year 1617—to pay a fine of 10*l.* and to be imprisoned during pleasure for the like offence.

1617[-18], February 11.—John Dobb, gent., and Margaret his wife, of the city of Dublin, *v.* Jane Dalway, widow of John Dalway, deceased, and James Walsh, her son.

Upon information that the defendants—in order to get into their hands the will, letters patent, and other deeds of the late John Dalway of Carrygfargus, relating to the lands which had descended to his daughter, Margaret Dobb, as his heir, together with a draft of a feoffment of all the lands—had forged or procured to be forged a letter purporting to be written by John Dalway (who was then dead) and directed to John Benins, alderman of Dublin, falsely stating that he had given order to James Walsh to receive a trunk (left in Bennins' charge) containing the deeds above mentioned; and that the trunk was given up to him accordingly, forced open and its contents read:—

And that the purpose of defendants was to suppress the will and other evidences in favour of the said Margaret:—

And also that in order to make the draft of the feoffment into a perfect deed, the defendants "should forge and counterfeit sundry endorsements upon the said writing or draft of a feoffment, purporting as well the delivery of the said writing . . . as the Act and deed of the said John Dalway, as also that livery and seisin was thereupon made":—

And upon hearing of the cause, and Jane Dalway's own confession:—

Decree condemning the defendants to pay a fine of 10*l.* each and to be imprisoned during pleasure, for forging the letter and obtaining wrongful possession of the writings, but leaving the validity of the feoffment to be decided in a court of law.

Same date.—Martin Skerret of Galway, merchant, to pay a fine of 10*l.* and to be imprisoned during pleasure, for conveying one Richard Carrene, *alias* John Woodlocke—whom he had met in Lisbon, and with whom he had travelled to Ireland—to the house of an Englishman without the Westgate of Galway, although according to his own confession, he suspected the said Richard Carrene of being a friar.

1618, April 24.—Redmond McFeogh O'Byrne, of Keilyvanagh, co. Wicklow, esquire, *v.* Luke Toole of Castellkavan, and Theobald Archbold of Mullinvige, co. Wicklow, gentlemen, and their servants and followers.

Toole and Archbold to pay fines of 30*l.* and 20*l.* Irish respectively, to be imprisoned during pleasure, to give bond that upon

their enlargement they will publicly acknowledge their offence at the next general assizes in co. Wicklow, and to make restitution of the moneys wrongfully taken, for having—as collectors of the second payment of the subsidy in the Barony of Ballenecorr—unjustly, and for their own private gain, extorted payment in sterling instead of in Irish money, and also exacted money from many who were not assessed to pay any subsidy money at all.

The other defendants to be dismissed.

April 29.—Melaghlen McGranell McLoghlin of Clownes-henagh and Owen O'Rorcke of Cashell, co. Leytryme—members of a jury empanelled in the said county before the Master of the Rolls and Sir Robert Oglethorp—being found guilty of refusing to present recusants, Owen O'Rorcke is to pay a fine of 30*l.* Irish, to be imprisoned during pleasure, and to enter into a bond to acknowledge his offence publicly at the next general assizes in co. Leytryme. And forasmuch as Melaghlen McGranell was formerly censured in this Court for the like offence, and entered into bond before the Lord Chancellor for his duly repairing to Church, whereupon his fine was remitted, his bond is to be estreated, and he is to stand on the pillory with a paper on his head, to be imprisoned during pleasure and to give bond for the public acknowledgment of his offence.

Same date.—Martyn Flemynge, Patrick Conny, Nicholas Hamblyn, Patrick Field and William Flemynge, merchants of Drogheda, and members of a grand jury impanelled before Sir Dominick Sarsfeild, Chief Justice of Common Pleas, and Justice Sparke, to pay fines—Martin Flemynge (as ringleader) 100 marks Irish and the rest 30*l.* Irish apiece—to be imprisoned during pleasure, and to give bond for the public acknowledgment of their offence in Court at Drogheda, for refusing to present recusants.

May 6.—William Ash of Dublin, merchant, to pay a fine of 10*l.* sterling, and to be imprisoned during pleasure for relieving James Guyne, a popish priest, with meat, drink and money, and providing him a barque for his transport beyond seas.

Same date.—William Sweetman of Castleleife, William Sweetman of Killkrosse, and William Drylinge of Kilbereghan, co. Kilkenny—members of a grand jury sworn before Sir William Jones, knt., Chief Justice of Chief Pleas, and Justice Gerrald Lowther—to pay fines of 100*l.* Irish apiece, be imprisoned during pleasure, and acknowledge their offence in writing, for refusing to present recusants.

May 8.—Piers Comyne, Richard Prendergast and James, Theobald, William and Thomas Butler of the county of the liberty of Tipperary, members of a jury impanelled before the Chief Baron of Exchequer and Baron Blenerhasset in the said county, to pay fines of 50*l.* sterling apiece, to be imprisoned during pleasure, and to give bond for the public acknowledgment of their guilt, for the like offence.

1618, May 8.—Nicholas Boyton, Redmond Hacket and Richard Butler, members of a grand jury sworn before the Chief Baron and Baron Blenerhasset at Cashell, co. Crosse Tipperary, to pay fines—Boyton (being the ringleader) 100 marks sterling and the other two 50*l.* sterling apiece—to be imprisoned during pleasure, and to give bond for the public acknowledgment of their guilt, for refusing to present recusants.

May 15.—David Verdon, clerk, who confesses himself a Popish priest, to pay a fine of 500*l.* sterling, to be set on the pillory on a market day with a paper on his head and his ears nailed, to lose both his ears,* and to remain a prisoner during pleasure, for that he "bearing great malice and envy to the person and religion of George, now Lord Archbishop of Canterbury, being a great prelate and one of his Majesty's most honourable Privy Council in England, in or about the month of January last past, 1617[-18] did of his own head and wicked invention maliciously and diabolically devise and contrive a most horrible and false lie of and upon the said Lord Archbishop, the effect whereof was that the said Lord Archbishop of Canterbury was lately before committed to the Tower in England for two articles of treason: first for saying it was not fit that a foreigner should be King of England, seeing there was an heir apparent to the royal blood within the said kingdom; secondly for affirming that the King's Majesty did seek purposely to match with the King of Spain in marriage, to ruin and overthrow the English," which horrible lie he published at Stedalte, co. Meath, in the hearing of Marcus Draycott of Stedalte and Richard Dillon of Proudstowne, gents., and at divers other times and places.

June 10.—William Stritch, alderman, and Dominick White, merchant, of Limerick, to pay fines of 50*s.* sterling apiece for contempt, they having settled certain cross suits between themselves without licence of the Court, and contrary to the orders laid down in the same. The suits to be "clearly dismissed" upon payment of all fees.

1619, April 28.—Richard Nugent of Dublin, merchant (for himself and Elinor his wife), to pay a fine of 20*l.*, and James Brown a fine of 40*l.* (afterwards reduced by the Lord Deputy to 5*l.* Irish apiece, out of compassion to their poverty), for illegally receiving or conveying certain letters which were found in their custody by Sir Laurence Esmond and sent to the Lord Deputy; it being shown that Richard Nugent received a letter from the Jesuit, Nicholas Nugent, prisoner in Dublin Castle, and another from Phelim Kearnan, directed to his brother Thomas Kearnan, a student in the Irish college "at Civill in Spaign," as also that he has written letters to Michael Cormicke, merchant at Lisbon, and to John Nugent, his son, at the Irish college at Lisbon: that Elinor has sent eleven shillings in gold to the same John, her son: and that James Brown received all these letters with divers

* This part of the penalty was remitted. *See* letter of the Lord Deputy (Cal. S.P. Ireland 1615-1625, p. 200), which evidently relates to this man.

others; as one from William Brown, a priest, with 20*s.* in money to be delivered to the Provost of the said college in Lisbon, two others from Edward Brangan, servant to Mr. Devenish, and two others from Robert Morgan of Arcloe, all with the intent, as he confesses, to have delivered the same at the Irish college at Lisbon so soon as he should arrive there. Which letters, being read in court, were found to contain "both matter of sedition and also of public slander of the justice of this kingdom, and most wicked scandal to the established religion . . . as terming the professors thereof heretics," whereupon his Majesty's Solicitor "showed at large how unlawful it is in itself and how prejudicial it may be to the State and safety of the Commonwealth for any persons to receive and convey any letters whatsoever from any of his Majesty's prisoners (without first acquainting the public magistrate with the contents) especially from a Jesuit being a prisoner and a known and professed enemy to the true religion and just government established . . . and how dangerous and insufferable it is in subjects to have intercourse by letters and intelligence with, or to supply moneys unto the professed enemies (to the religion and government established) residing beyond the seas, in the nurseries of seditious spirits, who are there instructed and do begin both to learn and practise how to sow sedition in the minds of ill-affected subjects, and also, if opportunity should serve, to write and stir them up to open rebellion."

April 28.—John Jones to be set on the pillory of Dublin with a paper on his head next market day, thence carried into each of the four Courts, there to acknowledge publicly his offence, and afterwards taken back to the prison where he now is upon an execution until he frees himself, when he is to be banished the kingdom, for counterfeiting a deed "with teste and seal" and also for counterfeiting the Lord Deputy's hand to a warrant, which Lord Deputy's hand, being "the warrant whereby all his Majesty's lands, pardons, protections and all other grants whatsoever, depending upon and warranted by his Majesty's prerogative royal, are passed in this kingdom . . . may be termed a sacred hand."

June 4. John Geshell to be set in the pillory, to be carried into the four courts to acknowledge his offences, to pay a fine of 40*l.*, and to be remitted to prison during pleasure, for counterfeiting the Lord Deputy's hand to a protection for himself, and the Lord Deputy's and Chief Baron's hands to another manuscript.

His Majesty's solicitor has urged that "the counterfeiting of a protection was an offence of a very high condition, as usurping and intruding upon the highest point and most special prerogative of his Majesty's imperial power, and therefore to be punished with the infliction of a much more grevious scourge than many other offences," howbeit, the said Geshell having made free acknowledgment thereof, and attested his grief by the shedding of tears, and the court commiserating "his poor and lamentable estate if his ears should be nailed to the pillory, and conceiving hope of his true repentence," that part of his sentence is omitted.

1619, November 17.—*Present*: The Lord Chancellor, Lord Sarsfeild, Lord Chief Baron and Master of the Rolls.

Gilbert Butler, late High Sheriff of co. Tipperary, to pay a fine of 40*l.* English (afterwards reduced to 10*l.*) and to be committed to the Marshalsea during pleasure, for having, as is related by the Lord Chief Baron, reprieved a notorious rebel whom he had orders from the said Chief Baron and Sir John Blenerhasset, Judges of the last Assize at Clonmell, to see presently executed.

1620, May 17.—*Present*: The Lord Deputy, Lord Chancellor, Mr. Vice Treasurer, Lord Sarsfeild, Lord Chief Baron and Master of the Rolls.

David Fitzgibbon *v.* Gibbon and Gerald FitzMorris, Donnogh O'Grady, Nicholas Freeman, John O'Grady, Cormack O'Heys and Edmond Schoole.

Gerald FitzMorris, as the instigator of the others, to pay a fine of 100*l.* sterling and to be imprisoned during pleasure, Donogh O'Grady to pay a fine of 60*l.* sterling and to be imprisoned during pleasure, and Nicholas Freeman (as practicing with many more than O'Grady, yet with commiseration of his poverty) to pay 20*l.*, to be imprisoned during pleasure, to be set on the pillory on two market days, and to acknowledge his offence in the four courts, for bribing, "soliciting and embracing" the jurors and others, in order to secure a verdict in the Court of King's Bench against the plaintiff, David Fitzgibbon.

The former censures against the three defendants are to remain of force (notwithstanding a verdict of acquittal in the King's Bench).

The other defendants to be dismissed.

May 24.—*Present*: The Lord Deputy, Lord Chancellor, Lord Primate, Bishops of Fernes and Dromore, Lord Sarsfeild, Lord Chief Baron and Master of the Rolls.

Patrick Plunkett to pay a fine of 40*l.* sterling and to be imprisoned during pleasure, for having received a barrel of books and pictures, for distribution in Ireland, from the hands of Romish priests and Jesuits beyond seas "notoriously known to be most malignant opposites to his Majesty's happy government and the true religion . . . and who seek by all possible endeavours to withdraw his Majesty's subjects from the true Christian faith to the Romish superstition, and from their due obedience to their lawful sovereign unto all manner of disloyalty" and by these superstitious pictures and other books, and namely the *Analects** "to season the affections with malignant thoughts of treason and rebellion."

June 23.—*Present*: The Lord Deputy, Lord Chancellor, Bishops of Ossory and Down, Vice-Treasurer, Treasurer at Wars, Lord Sarsfeild, Lord Chief Baron, Master of the Rolls, and Sir George Shurley, knt., Lord Chief Justice of King's Bench.

Whereas it is proved that Christopher Draycott, gentleman, has behaved outrageously and scandalously to Sir Francis Roe,

* "*Analecta Sacra Nova et Mira de Rebus Catholicorum in Hibernia pro fide et religione Gestis*," by David Rothe, afterwards (Roman) Bishop of Ossory.

knight, Mayor of Drogheda, by spitting in his face, striking Lady Roe, his wife, and illtreating his porter, John Greenhaugh (a gentleman in his service who went to the porter's help), his mace-bearer, and one Bartholemew Brett, whom he, the said Mayor, had appointed as Draycott's guardian; and that, when imprisoned for these offences, the said Draycott threw the marshal of the prison, John Neale (a man of seventy years of age), downstairs, whereby the said marshal was so grievously hurt that he had to keep his bed for a month and more, and hardly escaped with his life; and that he has "used most vile, reviling, scandalous and opprobrious speeches to the said Sir Francis, . . . as in calling him a base knight, a scurvy knight, and a shitten pockye knight, and that as he was Sir Francis Roe, he cared no more for him than he cared for the roe of a herring, and as he was Mayor of Drogheda [or Tredah], he cared no more for him than he cared for a turd":—

And whereas defendant's counsel could allege none other excuse than drunkenness, and that he had not been known to commit the like outrage before, and humbly summitted the cause to the Court; and it being a great grief to the Court that "a gentleman of good descent should so much degenerate from the true carriage of gentry . . fastening so unworthy imputations upon so worthy a person in himself, for his virtue, valour, and many good services bravely performed in the service of his sovereign," and also, by villifying his Majesty's lieutenant in Drogheda, undermining the authority of the magistracy and "tending to overthrow and supplant the root, and to dry up the fountain and spring-head of justice," without which no Commonwealth can subsist:—

Therefore—"though it was well known that the defendant was a younger brother, whose estate is little and uncertain, and in that respect might be thought the more to be favoured, yet foreasmuch as true justice must be blind in the proportioning of punishments, according to the quality of the offences and not of the persons"—it is ordered that the said Christopher Draycott pay a fine of 500*l.* sterling, give 20*l.* sterling to John Neale in satisfaction for his hurts; confess his fault and ask forgiveness of Sir Francis and Lady Roe upon his knees in the Court of Drogheda (or if Sir Francis, now sick, should depart this life, of the Mayor that shall be), pay John Greenhaugh such costs as shall be taxed by the Lord Chancellor, and remain a prisoner during pleasure in Dublin Castle.

June 30.—*Present*: The Lord Deputy, Lord Chancellor, Lord Primate, Mr. Vice-Treasurer, Treasurer at Wars, Lord Chief Justice, Lord Sarsfeild, Lord Chief Baron, Master of the Rolls, Sir Thomas Roper and Sir Francis Annesley.

Martyn Plunkett, Edward Plunkett and Mathew Bath to pay fines—Martyn Plunkett as principal, 500*l.* sterling, and the other two, as co-adjutors, 200*l.* apiece—to stand on the pillory on a market day with papers on their heads, to be bound to good behaviour for three years, and to be imprisoned during pleasure, for having "with inhumane violence" carried away Margaret Cusack to be married to the said Martyn Plunkett against her

will; the Court well knowing the frequency of this offence, and believing that severe punishment given to delinquents in this kind, may deter many others from committing the like outrages.

It having been thought by the learned judges that the accused should be rather tried at the King's Bench for felony than in this court for riotous conspiracy, and the Lord Deputy having ordered the two Chief Justices, the Lord Chief Baron and the Master of the Rolls to consider of a statute (enacted in 3 King Henry VII.) for the prevention of taking away of women endowed with good lands and livelihood, the said judges reported that the defendants, having violently taken and forcibly kept the plaintiff in their possession for three or four days, "were properly to be tried in the King's Bench for felony; howbeit upon mature consideration of the nature of the offence, and the native disposition of this country in like cases" but especially in respect of his Majesty's strong inclination to clemency and mercy in sparing the lives of his subjects, and in lieu of their lives to inflict pecuniary and corporal punishments, which power, derived from his Majesty, was now here invested in the person of the Lord Deputy," the said Lord Deputy determined that the cause should receive a final censure in this court.

[On the last page.]

1578, September 2.—W. R., of Kilkenny to be summoned to appear in the Court of Castle or Star Chamber, there to pay his fine of 23*l.* 6*s.* 8*d.* sterling into the hands of Robert Kendall, clerk of the Court, together with 11*l.* 7*s.* Irish, costs and charges, on the fifteenth day of Michaelmas term next. *Latin.*

Order in Council.

1618[-19], March 16. Whitehall.—Upon reading of certain articles touching his Majesty's better service in his Commission for his wards in Ireland, subscribed by Sir Henry Hobart, Lord Chief Justice of Common Pleas, Sir Henry Yelverton, Attorney General, and Sir James Ley, Attorney of the Wards here, it is ordered that for such articles as are to pass by letters from his Majesty, Mr. Percivalle attend Sir Francis Blundell, and for such as are to pass by letters from the Board to the Commissioners in Ireland, the Clerk of the Council is to draw up the letter; and for such as are to be inserted in the Instructions Mr. Percivalle is to attend the Attorney General.

Concerning his suit for charges in attendance of his Majesty's service, he is referred to Mr. Secretary Naunton to procure him a Privy Seal for discharge of certain old debts due to the King in the Court of Wards. *Copy.* 1 *p.* [*Family Collections, Vol. III., No.* 1.]

The Privy Council to the Lord Deputy and Council of Ireland.

1618[-19], March 17. Whitehall.—Desiring them to grant to Richard Percivall, Clerk of the Commission for the Wards in Ireland—either by concordatum or letters patent under the Great Seal of Ireland—a yearly fee of 40*l.* sterling, such being his Majesty's pleasure. *Copy.* 1¼ *pp.* [*Ibid., No.* 2.]

ORDER IN COUNCIL.

1621[-22], March 12. Whitehall.—Upon a petition of Walter and Philip Percivall—shewing that their father, Richard Percivall, clerk and registrar of the Commission for Wards in Ireland had "brought them up under him in the knowledge and understanding of those affairs," with a purpose that they might succeed him, but that one Edward Bagshaw procured a grant of the reversion (which he has now made over to one Mr. Webb); and praying for a grant of the reversion after the said Bagshaw and Webb, and also that if a Court of Wards and Liveries be established in Ireland, they may have the office of clerk or registrar there—Mr. Secretary Calvert is requested to move his Majesty to give order on petitioners' behalf, in respect of the good service done by their father in improving the King's revenue by settling the Wards in Ireland. *Copy.* 1 *p.* [*Ibid., No.* 3.]

DAVID COMYN, Alderman of Limerick.

1624, March 29.—Acknowledgment of the wrong done to Philip Percivall of Dublin, esq., by his complaints against the said Philip Percivall touching the finding of several inquisitions after the death of his father, Nicholas Comyn. *Copy.* 1 *p.* [*Ibid., No.* 4.]

DAVID RICE, Town Clerk of Limerick.

1624, September 2.—Acknowledgment that by giving warrant for the arresting of Philip Percivall, Esq., the sole commissioner appointed under the Great Seal for finding divers offices *Post Mortem*, he wronged the said Philip Percivall very much, for which rash and inconsiderate conduct he is heartily sorry.

Underwritten.—Statement by Percivall that he is satisfied. *Copy.* 1 *p.* [*Ibid., No.* 5.]

B[ERNARD], BISHOP OF LIMERICK, to PHILIP PERCIVALL.

1625, June 14. Limericke.—"If there were no land in question, yet out of question you have my true love as sure as you have your own. I know your head and your hands had as much to do as you could turn them both to, and therefore you are the more excusable in your sudden departure. Touching the lands pertaining to the Bishopric of Limerick, wrongfully detained and easily to be recovered, I depend more upon your judgment far than upon mine own . . . I am not so learned in law matters as to advise you what kind of commission you should use, whether out of the Chancery or out of the Exchequer or otherwise." As to the lands, the ploughlands of Omayle have been in hearing before the Lord Deputy and Council upon bill, answer and rejoinder, first against the Mayor and Corporation, then against the parsons and possessors of the several parts, with the inquisition for the King, which maketh much for me. A noble friend of mine, Sir Henry Pierce, had once this land in chace, having begged the arrears from the King, whereupon he got an inquisition, which is in the hands of Mr. Richard Williams in Fish-Shamble Street, who was then his man.

The ploughland and a half of Donoghmore has been long in suit at the Common Law. I have had three trials at *Nisi Prius*, which Mr. Jeffrey Gallway, now Sir Jeffrey, "put off by trick of his learning in law, and but a trick, for he was ever afraid to come to a trial and refused a jury of this city, the estate of which land you may see without a pair of spectacles to be the Bishop's land . . . and goodly land it is and large and recoverable, as you shall see hereafter.

Next is the manor of Drumdely, containing four ploughlands and a castle, good land, which was in question at the Council Table at Dublin two or three sittings; and at the last Thomas Cam Garrald (as they call him) of Gortentabord or his counsel for him pleaded nonage and that he was the King's ward, whereupon I could proceed no further until he was at full years, and I being then bound for England it hath rested so hitherto. For this matter you shall not only have my records of the Black Book but the records of Brimigam's Tower to make all good . . . After Drumdely is my manor of Killmallock, where I am lord paramount. For this manor you shall have evidence enough . . . After Killmallock is my manor of Ardagh, which all the country knoweth to be the Bishop of Limrick his manor, as shall appear to you by good records. This manor in loose times one Capt. Robert Cullam thrust into a patent in good Queen Elizabeth's time, for what service I know not, with some other lands of mine, but I have kept courts there myself in person, and my steward often for me, when Robert Cullam the father and William Cullam the son have appeared and done suit and service. Yet William Cullam, a 'deboyst' fellow, now presumeth to call it his manor and keepeth courts there to extinguish my right, against whom I have had a *quo warranto*, but he careth for nothing."

The names of those who detain lands unjustly from the Church and the Bishopric of Limrick are:—David Roch of Limrick, merchant; James Sexton, Carina; David Rice, Cloghcokie; Kateren Crumewell and her son, Ballynecloghy; Mr Donogh O'Bryen of Carryggunnell; Mr. Dominick Roch of Limrick, alderman; Edmund McCanny, Thomas Cam Gerrald, William Cullam, Edmund Oge Herbert, Thos. Gerrald of Ratsneseir, Connor McTeige, Murrogh McConner. Killmallock is witheld by the Sovereign and Burgesses.

Andrew Creagh of Limrick, merchant, detains Ballyguy and "Sir Jeffrey Gallway hath married a second or third son of his to the supposed heir, wherein he hath cozened himself, as the best lawyers may now and then, as I believe you will find . . . I think this is enough, if not too much at once, but I leave all to your discretion and managing," praying you to let me hear from you by the first opportunity and to tell me when you determine to come. *Copy.* 4½ *pp.* [*Ibid., No.* 6.]

Philip Percivalle and George Plunket.

1627, December 31.—Agreement by which Philip Percivalle grants to George Plunket the office of Marshal or Usher of the Court of Wards in Ireland, together with the fees of all contempts,

committals, diet and lodging of prisoners belonging to the same, and also the house in Copper Alley, Dublin, occupied by the former Usher, Morris Worth, now deceased, for a term of seven years, for an annual payment or rent of 30*l.* sterling. *Copy.* 1 *p.* [*Ibid.*, *No.* 15.]

THOMAS SCYDDYE to PHILIP PERCIVALL at Dublin.

1628, June 12. Cork.—" . . . I have had conference with a very worthy person and one of the best in all Muskery next the chief lord there, who confidently assured me that in case I had a strong arm (I mean a person of quality and means) that he would entitle the Crown (by the attainder of a good and sufficient freeholder who died in action or adhered unto the Spaniards against the Crown of England) unto the castle, town and lands of Carrygynmuck, containing twelve plowlands of the marrow and best land in the whole barony. I told the gentleman that I had a worthy person both of quality, power and means in those parts (meaning your own self) but never acquainted him therewith. I assure you (by God's grace) ere I be a twelvemonth elder, I will bring into your purse 1,000*l.* sterling, so as you afford me your favour, countenance and power." I understand that Mr. James Gould Fitz George intends to bring me in question concerning Ballynory. He is bent to do me mischief and to withdraw from me your favour and that of your honourable court. " My request is that you will not be unmindful of him who laboureth to get a good prey for your worship, but that now in my absence you'll prevent my adversary's spleen, hatred and malice against me." *Copy.* 1½ *pp.* [*Ibid.*, *No.* 16].

KING CHARLES I.

[1629], 4 Car. I, Feb. 15.—Letters patent to Philip Percivall granting him permission to pass and repass "*ad libitum*," to and from the kingdom of Ireland, and to appoint deputies during his absence in his places of Clerk of the Crown, Clerk of the Common Pleas, and Keeper of the Records of the Court of Chief Pleas, in that kingdom. *Latin. Copy.* 2 *pp.* [*Ibid.*, *No.* 17.]

PHILIP PERCIVALLE to CONOGHER REAGH [O'CALLAGHAN].

1629, November 30. Dublin.—Is "marvellously moved" that his money is so backward in coming in, and finds the payment of interest very heavy, when all the while he has money of his own to defray all, if he could only receive it according to promise. Gives directions about tenants. Mr. Holliday is in danger to lose his vicarage and so is not to be meddled with, without good assurance. Wishes Stockes to buy corn before the price increases, and urges the prosecution of certain thieves, for if he suffers such injuries he cannot expect to keep anything. *Copy.* 2 *pp.* [*Ibid.*, *No.* 18.]

THE SAME to THE SAME.

1630, May 6. Dublin.—Concerning his lands, tenants, and mortgages. As to Mr. O'Callaghan, has been too long deluded for ready money lent out of purse, of which he has never yet

paid one penny principal or rent; therefore desires that the castle and lands be seized. Has an extent against him, the Lord of Dumboyne, and Morris Roch for the whole debt. Fears the title of Bregoge, as the elder brother's children have a strong claim on it, besides pretensions made by Redmond Barry and William Bryen. James Fitz Nicholas Barry and his son have only cast up the Easter rents. Sends authority to levy the same. Is glad Ballymacow is settled, but wishes Mr. Goddard to be told that he did not go the right way "in holding out as long as he could and then yielding when he could do no other." Mr. King would fain have had Ballintemple, but he received his answer and that his money for Ballyadam is ready. Mr. Barry has perfected a lease of Downbarry to James Percivall, his [the writer's] man, and he is confident of recovering possession, but rather than wrangle in so small a matter would abate half a year's rent, although his right to it is very good.

Has had ill success with horse-flesh, but hopes for better luck next year. Sends a writ for the tenants of Monkstown. Hopes to sell his Kilkenny wool at a good price, as it is finer than any in these parts, and so redeem Imogan. If he cannot do so, will venture it all for England, as he is assured that wool is dear there. *Copy.* 4½ *pp.* [*Ibid.*, *No.* 19.]

Court of Wards.

1630, May 10.—Order granting to Sir William Sarsfield, Sir Randall Clayton, Sir Walter Coppinger and Philip Percivall, Esq., a lease of the lands and possessions of the late Sir James Barrett of Castlemore, co. Cork, whose son and heir, Andrew Barrett, is the King's ward; the above lessees to receive all rents, &c. (amounting to about 315*l.* English per annum), and to pay all dues, viz.: rent to the King, Sir James Barrett's just debts, 500*l.* fine for the personal wardship (granted to Philip Percivall), and 60*l.* per annum for maintenance of the ward; the residue to be used for the "preferment" of the other two sons and three daughters of Sir James, who are of tender age and as yet unprovided for. *Signed by Sir Richard Bolton. Certified copy.* 2 *pp.* [*This paper is bound up with those of the year* 1637.]

Charles I.

[1630], 6 Car. I., August 9.—Letters patent granting to Philip Percivall thirty acres of land in the town and fields of Hassardston, *alias* Herton, *alias* Hafferton, co. Dublin, being part of the possessions of the former hospital or priory of St. John of Jerusalem in Ireland; fifty-two acres in the town and fields of Blackrath, co. Tipperary, part of the possessions of the monastery or priory of St. Katherine near Waterford; and the lands of Kilmoyleran, co. Cork, formerly belonging to Cormack Roe McCarty, attainted of high treason; the said lands to be held in free and common socage and not *in capite* or by military service. *Copy. Latin.* 9½ *pp.* [*Family Collections III.*, *No.* 27.]

PHILIP PERCIVALLE to [SIR WILLIAM PARSONS], the Master of the Court of Wards.

[1630, end of September?]—I have received your letter of the 25th of this month by Rory O'Kennedy. He has carried himself very quietly here, and having given in a list of his lands, "the jury found that he was seised in fee of divers lands mortgaged to Constance Mc Eagan for 300*l.* I the rather took it, although nothing comes to the king but the fine of that alienation, because it affirms his seisin in fee of all the lands. . . .

"I find cause by your letter to acquaint you with some passages here. John McBrien O'Kennedy of Leackine (not far from Birre), the chiefest amongst them, as accounted, was seised of one of the fairest estates in Ormond, and having no issue of his own body, made over a deed in paper the day before his death unto the use of Donogh O'Kennedy, his third brother, who entered into it. This John had a second brother named Murrogh, long since killed in rebellion as is generally spoken, who had one only daughter married unto one Ryan O'Callynane O'Leech, and who would gladly find a title for the King or for his wife and content themselves with one third part of the whole estate . . . Upon occasion of discourse with Mr. Daniel O'Bryen of Annagh in Ormond, I find he is most willing and desirous of a Plantation (which is much voiced this long time) and if he could be assured that any reasonable respect would be had of him, he would submit to it under his hand, and so would twenty more, as he told me. This gentleman is a younger brother of Mr. Bryen Arroes, and hath a pretty estate in Dowharrow, from his father, Sir Teal Garrath, and by his being sheriff and otherwise hath acquired a better in Ormond, and there matched his children, and carried a great stroke there, securing divers of the Kennedys, his followers. He is foreman of our jury. Constance McEgan, the chief of his sept, told me of himself in private discourse that he would not be the last, but if any man would submit to a Plantation, he would. I came by the sight of a deed, whereof I send you a copy enclosed, lately and wish it might conduce to the furtherance of this great and good work. I have heard of an Act of Parliament which gave the King all lands at any time granted to this Bruce (*sic*), but I never saw any such. The country, you know, is a sweet country, and the people in my poor judgment may never be so easily dealt with as now, they having received the Earl long expected, and find that he expects helps, not being able, nor (as some of them term it) worthy, as they expected, to protect them, they being poor and weary of their present condition; and to speak truly I find a general will, if the matter be speedily and well handled, all with one consent (at this enquiry) to have his martearle,* some openly calling it a black rent."

Touching the inquiry of the Earl of Ormond, Countess Desmond and Sir J.[*or* T.] B[utler], I procured the Commissioners and brought down three clerks for the great work and have caused the

* Or Mart Early; a chief rent so called. *See* S.P. Ireland Car. I, Vol. cclj, No. 1810.

demesne lands to be found absolute. The Earl thinking his stay long and chargeable, we have appointed the 17th of October to hear him, but as the pretence is so great and we are unfit to be the judges of it (though we might make gain of it) I hope you will hear the matter yourselves in term, and I pray you to advise with the Lord Chief Baron upon it. "Hitherto I doubt not it hath proceeded well enough and I conceive that by these offices, the King will have livery of all the estate which came from the Earl's father [Sir John Butler], two fines for alienation of all the main estate, both of Ormond, Desmond and the Countess Dowager's, and the wardship of the body of the young lady,* beside some reliefs. . . I hope to bring you the like account for all his lands in the other counties in Munster and in Kilkenny (where his pretences admits the King scarce any part)." As I may not be able to attend I pray you to write to the officers of that county and to speak to Mr. Southwell if you can, telling them to proceed as we have done here. As regards the Earl's claim to the tenures of almost all the lands in counties Kilkenny and Tipperary, there was an enquiry taken 1 Edward VI., after the death of James, Earl of Ormond, which found many lands, though not so many as he now claims to be held of him.

"Sir, you know that if this matter of Plantation shall proceed, as it would be a hindrance to his Majesty for the present profit by reason of his tenures, and to some other officers, so it would to me in my poor particular employments be a double disadvantage, yet none should be more forward than myself to my power to further a work tending so much to his Majesty's service and the country's, not doubting but that you will be mindful of me among other of your servants and on like conditions." Rory O'Kennedy intends, in the midst of the assizes, to go to Dublin, which may excite suspicion. *Copy.* 4 *pp.* [*Ibid.*, *No.* 20.]

PHILIP PERCIVALLE to the MASTER OF THE WARDS.

[1630, October?]—We have taken an office here for the Earl of Ormond's prize wines, which his counsel tells me are granted to be held *in capite*, therefore care must be taken "that his Majesty, who hath been so long without his due, may not be defrauded of it. We took fourteen inquisitions at Waterford, so as I expect not to take any more there these seven years, but as the tenants *in capite* may die, and at Cork I hope to take as many more." *Copy.* 1 *p.* [*Ibid.*, *No.* 21.]

SIR WILLIAM ST. LEGER, President of Munster, to PHILIP PERCIVALL.

1630, November 16. Moyallo.—"By this enclosed you will find who were the first projectors of Ormond plantation, although they will not now seem to own the child, the patrimony being

* This appears to refer to the inquisitions mentioned by Carte as taken in October, 1630. (*Life of Ormonde*, i, 9.) The young lady is Lady Elizabeth Preston, Baroness Dingwall, granddaughter of the 10th Earl of Ormond, who married her cousin, Lord Thurles, afterwards 12th Earl.

disposed, it may be, contrary to their advice and liking. You see what I am commanded, and I shall not be unwilling to obey provided that myself and my friends may not be forgotten, without which I will not stir one foot, and without me I know they can do nothing unless your master [Parsons] play the Judas with me, which I am reasonable confident he will not do, but this wicked age is naught, and so much falsehood there is in friendship nowadays that there is scarce any trust to be put in mankind. Howsoever, I pray keep your fingers out of the pie for awhile, until we see how the game will be played, for I am confident the resolution continues of disposing the lands unto the Scots, which will more clearly appear to you by this enclosed, therefore I hope my lord of Cork will not be forward in it; if he be I cannot help it . . . As you are an honest cavalier, burn my letter as soon as you have read it." *Copy.* ¾ *p.* [*Ibid., No.* 22.]

The enclosures:—

I. Richard, Lord Weston, to Sir William St. Leger.

1630, *October* 22. *R. Hampton.—Acknowledges receipt of his letter, with an enclosed paper concerning the King's title to the intended plantation in Ormond, but having already received a letter from the Earl of Cork and signified to him his Majesty's pleasure, "which is that his intent and purpose is to make the best advantage of it for his own use and service," he begs Sir William to consult with the said Earl for the directing of the business.* Copy. ½ *p.* [Ibid., No. 23.]

II. W. Lake [secretary to Lord Treasurer Weston], to Sir William St. Leger.

1630, *October* 22.—*Sends a letter from his Lord, who takes in very kind part Sir William's care of him and his. His Majesty some time ago employed some to find out his title, but they are to be directed (he believes) by the Earl of Cork, as will appear by his Lordship's letter; therefore it will be best for Sir William and his Lordship to advise together "that so the dispatch going upon two sound feet, may walk on more speedily and safely."* Copy. ¾ *p.* [Ibid., No. 24.]

PHILIP PERCIVALLE to SIR WILLIAM ST. LEGER.

[1630, November.]—I have received yours, with the two enclosures, and have done my best to inform myself in the matter. "Commissions are now engrossing for enquiring of and surveying both Ormonds for the intended plantation, and that with great speed. Mr. Baron Lowther, the King's Serjeants, Attorney, Escheator, and myself (among a few others) are Commissioners . . . There have been motions made to the Earl of Ormond and freeholders to submit, but I observe neither of them to be inclinable thereunto. The Earl of Cork swears he hath no hand in this proceeding and so doth the Master of the Court of

Wards. The Lord Esmond was gone forth of town suddenly after I received your Lordship's, but they assure me that he is where he was. The Earl [of Cork] says that he wrote to the Lord Treasurer to divert the present course, and that what information he gave was only in general on Rory O'Kennedy's submission, and received direction to give his assistance in this course as your Lordship did, wherein he is desirous to proceed with your Lordship when time serves and not otherwise." I hope to see Mr. David Roche by the end of Christmas and to learn the intentions of the Earl.

Postscript. "Mr. Daniel Lewis, agent for the Earl of Carlisle, persuades us that the labour on these commissions will be very little, he having gotten the consent of two or three freeholders at least to do they wot not what. *Copy.* 2 *pp.* [*Ibid., No.* 25.]

Walter, Earl of Ormond, James, Lord Thurles, and Elizabeth, Lady Thurles.

1631, July 24.—Engagement that if Philip Percivall will pay 1,000*l.*, discharge the 120*l.* fees to the Court of Wards, and clear any defects in the patents of Farrencamanagh and Tyllyleasye, they "will bargain with him to this effect." *Copy.* ½ *p.* [*Ibid., No.* 29.]

Edmund Percivall to his cousin, Philip Percivall.

1631, August 1. Ringwood.—I have not yet received any answer to what I wrote to you by my cousin Buller.

As for Piltown, I repent of having given you liberty to dispose of it. What is done cannot be recalled, but I cannot think of it without grief. I have sent you an agent for your Munster affairs, for whom I hope you will have cause to thank me. He has a reasonable estate, and a better in expectancy, yet is content to bestow his time in Ireland in this kind. He hath a wife but no child. I have promised him 20*l.* a year and the use of a gelding. I hope you will shortly send me the 200*l.* which I have paid Jesop, as meanwhile I have to pay eight pounds in the hundred. I send you a copy of Jesop's bond, and you may have Mr. Nicholas Pyne's upon demand. Mr. Pyne's and Mr. Hodder's letters will show you to what purpose they are written. *Copy.* 3 *pp.* [*Family Collections, iii, No.* 30.]

Thomas Francis to his master, Philip Percivall, at Dublin.

1632, June 9. Piltown.—Complaining of Mr. Hodder's double dealing in regard to the cattle, and of Mr. Buller's connivance therein. They have reported him [Francis] to be a fool, only because he will not be a knave. Is sorry that so much of Oliver [Buller]'s wit lieth in his tutor's brains. *Copy.* 1½ *pp.* [*Ibid., No.* 32.]

LAWRENCE PARSONS.

1632, June 13.—Indenture by which Lawrence Parsons, son of Fenton Parsons, Esq., binds himself apprentice for seven years (from the feast of All Saints next) to Phillipp Percivalle, Esq., clerk and register of the Court of Wards and Liveries, covenanting to serve his master well and faithfully, and not to depart or absent himself from him during the said term, in consideration whereof, the said master covenants to find him meat, drink, apparel, lodging and other necessaries and to bring him up and instruct him in the said office. Signed and sealed by Lawrence Parsons. Witnessed by Sir William Parsons, Richard and Fenton Parsons, Edm. Smyth and Will. Roulls. ½ *p.*°

SIR WM. PARSONS to WM. WISEMAN, Escheator of co. Cork.

1632, June 25.—The bearer, Captain Hunt, will be able to enlighten you fully how to find young Fleetwood a ward. "You must carry it warily and with some secrecy. You must find Thomas Fleetwood to die seised of as much as you can, but specially there will be little doubt to find him die seised of the piece of glebe which he will declare unto you. The child is now like to be carried away into the hands of his uncle, a papist, and one that is not without intent to peril him in his whole estate, which we must endeavour to prevent, and therefore, I pray you, use your best care to keep the business in a right way. The particulars this bearer will inform you of, who, with us, aims at nothing so much as to preserve the boy and his estate."

Endorsed. "From Sir William Parsons concerning the *melius inquirandum post mortem Thomæ Fleetwoode. Seal of arms.* 1 *p.*

THOMAS FLEETWOOD.

1632, July 24. "Apud the King's old Castle," co. Cork.—Finding of the jury that Thomas Fleetewoode, late of Ballydirrawne, co. Cork, esquire, was seised in his lifetime of and in certain towns and lands in co. Cork, viz., Ballydirawne, containing one carucate of land, of the annual value of 10*s.* Irish money, with all exits besides reprises; Barnefollie, containing half a carucate, value 5*s.* Irish; Kilclogh, containing half a carucate, value 5*s.*; Cloghleighe, containing half a carucate, value 5*s.*; Killieide, one carucate, 10*s.*; Glanseskin, one carucate, 5*s.*;† Ballycarrigyrie, half a carucate, 5*s.*; and Garryenplubedigge, six acres, Irish measure, annual value 12*d.* And that being thus seised, he died October 7th, 1631, and that Francis Fleetewoode is his son and next heir and was of the age of one month at the time of his father's death and unmarried. And

° From this date, the papers are calendared from the originals, which are contained (unless otherwise specified) in a series of bound volumes, marked on the back with their respective years.

† Altered from half a carucate, but the value, by oversight, left unchanged.

they further declare that the town and lands of Garraneplubedigge were held by the said Thomas Fleetewoode, as the time of his death, from the King *in capite*, for the twentieth part of a knight's fee. *Signed by the twelve jurors. Latin.* ¾ *p.*

——— to Philip Percevall.

1632.—It is observed by those in this subordinate isle that only he who can oppress or wrest from others is thought worthy to enjoy anything, or is able to hold his own. "I cannot omit to tell you that [*sic*] the general and grievous burden borne by the subjects of England and Scotland, and his Majesty's allies and friends, the Dutch and French, by the exactions of their poorest sister Ireland, who, having been for many years protected by their purses, and expenses of their lives are become so proud that instead of gratifying their loves, invent new impositions and customs never demanded in any other kingdom or warranted by any lawful power here." In Dublin, the Mayor and Corporation exact 3*d.* in the shilling (*sic*) on all exports and imports, whether by aliens or his Majesty's subjects, not freed by charter, and "pretend a treble authority much like the Pope's triple crown, and the pretended authority by which he holds his interest in Purgatory, so profitable to him, for as the Pope alleges the scriptures, the fathers and the general Councils to keep that fire burning, so doth the Mayor and Corporation allege prescriptions, charters and Acts of Parliament to support their pretended petty custom. And as the former, being searched into could never find the tinder-box that first kindled that fire, which burns so eagerly" so no one can discover how these pretended customs are due, or when they were first levied. It cannot be due by prescription, because the stamp it bears declares it to be a custom due upon merchandize, and therefore due to the King and to the King only, which they have no more right to take from their fellow subjects, than to take a purse on Salisbury Plain or Newmarket Heath. "In the Statute that gives Poundage, the townsmen of Dublin are free from payment thereof and it is to be presumed that those that were so wise to be exempted from payment of the one, would have been as provident to be legally warranted to take the other, yet no mention is made in that act of any petty custom due to them. If they claim it by charter, it must appear that the King that granted it first had it and received it, for that no grant can enable to receive what the King never had power to give." And if they have the charter why did they not show it in 1608, when Drogheda and other corporations produced theirs. "But least all the rest should fail, they claim a custom by Statute 13 Elizabeth, which lays a custom more than the value of the goods, wherein they convert the intention of an wholesome good law, made as a double fence for the continuing those commodities to be manufactured here and to supply the wants of the Kingdom when they were scanty, into a most unjust wresting of what part they please to the use of the Corporation, as if an Act of Parliament or Act of State

should command that no man should for many days depart the city, and require the Mayor, &c., with the King's officers and others to restrain them, they should, under pretence of this power, set up a wicket, and take threepence a man, [and] should let them go at pleasure." It cannot be denied that the King could by this statute, if he pleased, claim more than double the value of the goods, in which case nothing would be left for the Corporation. Great decay of trade is caused by these exactions, as the money would otherwise be employed in the commodities of the Kingdom and advancement of the true customs. All this is well known to the apostate customer and comptroller who farm the same in Dublin, but they have seared up their consciences, and "*per fas aut nefas*, have so advanced their pretences that they seem to outface justice and so levy them as if they were as due as the Customs to his Majesty." 3 *pp.*

Addressed: "To my worthy friend P. Percivall, Esq., Captain of the Port of the City of Dublin."

Customs of Dublin.

[1632.]—"Reasons to confute the unjust complaints and clamours of the Dutch factors in Dublin, who murmur against the taking a lease of the city customs of Dublin by P.P. [Philip Percivalle] and T.C. [Thomas Cave] tenants of the same."

1. No new charge is laid on them, although perhaps for want of knowledge in the former lessees it has not been duly levied heretofore.

2. These customs are no way burdensome to the true Dutch merchants, but only to their factors here, who charge these duties in full to their masters, and have pocketed the money to their own use, which now makes them storm. "And what they cozen in customs is their own and not their masters."

3. Their freedom of trade, both in importing Flanders ware and exporting native commodities, here in Ireland, is far beyond what either they or Englishmen enjoy in England, as in the shipping of tallow, salt and green hides, which may not be exported from England at all. Also most Flanders ware and groceries imported into England, have to pay much heavier dues than here in Ireland.

Signed: Thomas Cave, Comptroller of the customs of Dublin.

Endorsed. Reasons against the objection of the Dutch who were for having the place of customer of Dublin abolished. 1½ *pp.*

Customs of Dublin.

1632.—"Further reasons," stating that the Dutch aliens in Ireland are preferred before his Majesty's own subjects that trade in England, importing many things free which are forbidden to enter England and exporting others, also forbidden to be carried out of England, which immunities "make the Dutch so swarm in Dublin, &c., that they have eaten out all our native merchants and mariners, insomuch as there belongs not one ship or barque

to that city, nor do I know in the whole kingdom any vessels of a hundred tons burden." Moreover the Dutch retail and keep shops,* the inhabitants being reduced to become their servants, buying hides and tallow for them and retailing their wares. And now they bandy with the whole corporation and refuse to pay the ancient duties, a thing which would not be tolerated, nor durst it be attempted by our merchants at Flushing or Middleborough.

"It is our commodity makes them so rich, their wealth which makes them bold and insolent, and us so poor." It may be objected that if it were not for the Dutch, our commodities could not be exported, but to this I answer that before the Dutch traded here, there belonged above twenty ships and barques to the city of Dublin alone, and where the kingdom has one merchant now it then had ten, as witness all the merchant adventurers' shops now shut up in the Bridge Street, &c., "where hucksters and pedlars now dwell, and instead of adorning our own cities by the edifices of our merchants, Amsterdam flourisheth," for what the Dutch get by trade here, is kept by them at home. It may also be objected that the Dutch bring in money, but it is our own merchants who bring in ready money to supply their trade, the Dutch bringing in baubles, such as Dutch pans and tiles, Flanders hopps [hoops ?], Nuremberg wares and all sorts of wrought iron and brass, prohibited wares and mere toys, which they sell at an extreme rate, and then export the best and most vendable commodities in the world. When I was Collector at Tredath [Drogheda], where the Dutch had then no trade, the custom of the "outgates" of the native merchants there came to 1,400*l.* per annum, and of the "ingates" not to 100*l.*, and "the rest was returned in ready money" but now the trade there is so decayed that the merchants mostly do but buy and render tallow for the Dutch. Three years ago, in the time of war, when the Dutch had the only free trade into France, and the sole conveyance of wine and salt to us, they ran up salt from 12*s.* or 14*s.* to 50*s.* or 3*l.* the hogshead, and sold their French wines at 26*l.* a tun, so that they are not such profitable members of our Commonwealth as many of good judgment suppose them to be. 2¾ *pp.*

Sir Richard Fleetwood's Agents.

1632[-3], January 28.—Affidavit made before the Chief Baron by Sir Richard Fleetwood's agents, Gerard Freind and Robert Nixson. At the inquisition held at Bandonbridge, co. Cork, after the death of Thomas Fleetwood, Esq., the Commisioners being set and the Jury impannelled, Mr. Golde, counsel for Sir Richard Fleetwood, was beginning to open the case when he was asked by Mr. Wiseman, one of the Commissioners, whether he was for the King or otherwise, and answering that he was for the subject, Sir Richard Fleetwood, Mr. Wiseman replied, "So are you always against the King. Mr. Gould made answer that his Majesty was so gracious that he desired not to oppress any of

* *See* the Resolution of the Irish Committee of the Privy Council forbidding this, S.P. Ireland Car. I, Vol. cclii, No. 2121.

his subjects and therefore desired that he might speak for his client, and when he proceeded to instruct the jury, was commanded by the Commissioners to hold his peace, being against the King. Then Mr. Attorney for the province of Munster, being also a Commissioner, did undertake the instruction of the jury, and told them that albeit the conveyance made by Sir Richard unto his brother Thomas was void in law, yet they ought to give effect to the intention of Sir Richard, which was, as he did allege, to have made an estate in tail, and therefore that consideration ought much to move them, or words to the like effect." The Commissioners also urged a purchase of Redman's estate, but could not prove it. They would not allow defendant's counsel to reply to Mr. Attorney's objections, and when defendants produced testimonies and a witness to prove that Sir Richard had always answered the King's rent for the land and received the acquittances, and that Thomas had but an estate for term of life, Mr. Wiseman reproved the witness, saying, "It seems you were an honest man to your master in his life time and a dishonest man now he is dead," and thereupon commanded the jury to go together. "And the like carriage was used upon the *melius inquirendum* at Cork, when both the defendants' counsel was not suffered to speak, and the agent threatened to be committed for speaking in his master his cause, and commanded to depart the court." 1 *p.*

Endorsed. "The copy of the affidavit made before the Lord Chief Baron, 28 January 1632, by Sir Rich. Fleetwood's agents."

Francis Fleetwood's Wardship.

1632-[3], January 28.—Memorandum touching the wardship :—

1. The office lately taken was fairly carried, as appears by the affidavit of two prime gentlemen of the Jury, and therefore to be filed.

2. Thomas Fleetwood, father of Sir Richard and Thomas, left half of the seigneury allotted to him on the division between him and Marmaduke Redmond to Thomas and his heirs absolutely, and the said Thomas, father of the ward, entered and enjoyed the lands.

3. Thomas Fleetwood, the ward's father, afterwards bought Redmond's share from Marmaduke Redmond, jun., whose elder brother set up a title to it, and Fleetwood had to buy it over again from him.

4-8. After further trouble and expense he received the lands and then accepted a deed in tail as he conceived, from Sir Richard, wherein he was deceived, after which he made leases, &c., which have never been interrupted by any. Sir Richard has now got all the writings from the widow and has made a fraudulent deed to the child's use in tail, reserving all profits to himself for twenty years to come. Finally if he had any estate from his father or from Redmond, he would have produced it at the several enquiries or here. ¾ *p.*

On the same sheet:—

Copy of the certificate that Edmund Barrie of Moygowlie and David Roche, Ballyneloghy, co. Cork, gents, two of the jury, have "made faith before me" that Thomas Gould was admitted at the inquiry to plead for his client to the full without being interrupted by the Commissioners, and that Sir Richard Fleetwood's agent preferred no witnesses in behalf of his master (which, had he done, they would have been accepted) and showed no evidence except the acquittance for the King's rent. Also that neither Mr. Wiseman nor any of the Commissioners reproved any man for speaking in Sir Richard's behalf, that the matter was carried with mature deliberation, and that the Jury were so fully satisfied that they could return no other verdict. Feb. 6, 1632[-3]. *Unsigned.* ¾ *p.*

THOMAS FLEETWOOD.

[1633, January?]—Information concerning the inquiry after the death of Thomas Fleetwood, Esq., held about January last at the Courthouse, Bandonbridge, by Sir Rob. Travers, Mr. Fisher, the King's Attorney of Munster, and Mr. Wiseman, Escheator, Commissioners. Deponent was present and testifies that to the best of his recollection, the inquiry was honestly and fairly carried on. At the beginning, Mr. Wiseman asked Mr. Thomas Gould, the lawyer, on which side he was, and on his answering "against the King," "so are you always" replied Mr. Wiseman in a jesting manner, which caused all that were present to laugh. Mr. Gould began to open the cause, but was desired to wait until the King's counsel had spoken, after which he was told by the Commissioners to say what he would, and was heard without interruption from them or any other. *Signature wanting.*

Endorsed. "Information made in the behalf of the Commissioners who sat upon the *melius inquirendum post mortem Thomæ Fleetwood.*" 1 *p.*

PHILIP PERCIVALLE to the LORD PRESIDENT of Munster.

1633, May 22. Dublin.—Concerning the attempt of Mr. James Butler of Ballynehenchie to gain possession of the lands of Shripstowne, mortgaged by one Philip Hacket to Mr. John Southwell, and by him assigned to Percivall. *Draft.* 1 *p.*

EDWARD YORKE.

1633, July 18.—Assignment by Edward Yorke of Bushoppslough, co. Kilkenny, to Philip Percivalle, of his interest in the towns and lands of Lismortagh and Rathmooly, co. Tipperary, granted in farm to him, by letters patent of the King in 1631, "during so long time as the same should remain in his Majesty's hands, for want of livery sued by William Bret, son and heir of Geoffry Bret, late of Lismortagh aforesaid, gent., deceased." *Signed and sealed.* 1½ *pp.*

ERASMUS BORROWES to PHILIP PERCIVALL at Dublin.

1633, July 26.—Complaining that Sir Walsingham Cooke has not performed his part of an agreement made with him concerning the assignment of lands in co. Wexford. Requests Percivall not to make over his share of the lands except on certain stated conditions. 1 *p.*

GEORGE COURTENAY to his cousin, PHILIP PERSEVALL, at Ballincarrig.

1633, September 24. Clonecrowe.—Complaining of the tediousness of a commission concerning their business and stating that although he greatly wishes to see Percivall he believes that his coming at present would be to little end. Also requesting directions whether he shall deliver the writ concerning Edmond Herberte to the sheriff or not. 1 *p.*

PHILIP PERCIVALLE to WILLIAM WISEMAN, Escheator of co. Cork.

1633[-4], January 6. Dublin.—I have given orders for the delivery of your patent. The costs called for by Bath are due by Mr. Rannell oge Hurley of Bealanycarrigie for his own lands. Thomas Skiddie and yourself stand bound for paying the fine and passing the grant.

As for the inquiry after the death of Sir Valentine Browne, the only plan will be to give the matter over to the Court of Wards if the jury do not find the "dominicle" as it was there drawn. I believe the jury of co. Kerry will favour young Sir Valentine, but you will have the same opposition in co. Cork, and if so will do well to follow the same course. "It were strange that Sir Valentine to the ruin of a noble lady whom he so dearly loved should conceal such an estate, and without question it will be little credited in the Court of Wards. If you can find it as it is drawn, which in all probability is the truth of the case, you may add some conditions for Sir Valentine's satisfaction for producing his writings there. . . . I find very ancient records touching the tenure of Donniarke, and therefore pray you add a condition referring that tenure to the consideration of the Court."

Postscript. You have not yet sent Lord Courcy's and Lord Castlehaven's offices. 1 *p.*

SIR LUKE FITZGERALD to [PHILIP PERCIVALLE].

1633[-4], March 3. Tecrochan.—I have met with much trouble since I dealt with my uncle Richard's sons, and very little profit. If any of the sons will take the employment (though the father made me executor) I will willingly relinquish it. Mr. Petitt has been allowed by the Court these two or three terms to prolong his appearance. I hear that I am required immediately to appear before you and to bring such bills and bonds as belong to the ward,

but I gave them all to Mr. Richard Fitzgerald's son two months ago, that he might deliver an inventory of them into court. If I may have favour until the first of the next term, I will not fail to obey your commands. 1 *p.*

PHILLIP PERCIVALLE to his brother-in-law, [SIR PAUL] DAVYS.

1634, April 2.—Requesting assistance from him as regards the purchase of the "bleak barren farm of Hutton Read," and asking him to warn certain tenants [apparently of lands passing from Davys to Percivall] to do no spoil, or they will be sued for it, and also to place some honest man in possession, as Ned Smith and Roger are both out of town, and he cannot conveniently go so far himself. *Draft.* 1½ *pp.*

PIERS BUTLER to PHILIP PERCIVALL.

1634, April 5. Shaineballyduffe.—Stating that William Brytt has this assize been convicted for the treacherous burning of Patrick Carney's house, and suggesting that Percivall would do well to "be sure of his Majesty's title" to his lands. ½ *p.*

MICHAEL KEARNEY to PHILIP PERCEIVALL, Dublin.

1634, April 5. Clonmell.—Announcing that the heinousness of William Britt's offence in burning his father's house has this day been made manifest, for upon fair trial he has been convicted and sentenced to be hanged, drawn and quartered; stating that the King has a just title to the lands, and advising Percivall to sue the Lord Deputy at once for a grant of them, as they lie most conveniently for his farm of Killenayle. 1¾ *pp.*

PHILIP PERCIVALLE to PHILIP MANWARING.

1634, April 7.—I venture to trouble you "in a particular requiring some haste, appearing in the enclosed, whereof this afternoon I received advertisement out of the country." If you judge my suit reasonable, I pray you to take an opportunity to present it to my Lord's consideration, to whose pleasure I shall humbly conform myself, and in case you find it necessary, pray acquaint Sir George Ratcliffe with it "in whose noble furtherance of me in my just occasions I have great confidence." *Draft by Percival.* ½ *p.*

PHILIP PERCIVALLE to THOMAS, VISCOUNT WENTWORTH, Lord Deputy General of this Kingdom.

1634, April 7.—Petitions that his Majesty, being entitled to the lands of William Brett of Lismoriertagh, co. Tipperary, until he sued his livery, granted the same by letters patent to Edward Yorke for a certain fine and rent, who about two years since brought a suit in the Court of Wards against Brett for the profits of the lands, and received a decree for 120*l.* The said Edward

Yorke, being indebted to petitioner, made over to him all his interest in the lands and he has enjoyed them ever since, but has never been paid the 120*l.* Brett having been convicted of treason at the assizes held at Clonmell on Friday last petitioner prays for a grant from his Majesty of the estate. *Draft by Percival.* 1 *p.*

EARL OF ORMOND to PHILIP PERSIVALL.

1634, April 7. Clonmell.—Stating that if Percivall will help him to acquire Wm. Brett's lands—the most part of which are held from or adjoin the manor of Killenale—by purchase or otherwise, he shall have a lease thereof for as long a time as he holds the lands of Kyllenale. *Signed. Seal with arms and coronet.* ½ *p.*

PHILIP PERCIVALLE to the EARL OF ORMOND.

1634, April 10. Dublin.—Informs him that he has himself applied for a grant of Brett's lands, but that his intent was that his Lordship should have the advantage of his endeavours. When the Earl comes to town they can advise further what is to be done, and no doubt by his Lordship's means, they will the better succeed.
Draft by Percival. ½ *p.*

THOMAS BETTESWORTH to PHILIP PERCIVALL.

1634, April 14. Moall[ow].—I have sent your good wishes to Captain Hunt by letter, he being gone to McBrien's country. We have appointed the 24th for the Commission at Killurdi, where I do not find we are likely to be bribed on either side. I have contracted for a house at Ballygiblin. We have passed this winter reasonably well with our sheep, yet I cannot much commend Humfrey, who is become a most studious prosecutor of his own affairs and of his nut-brown Phillis. "I hear not a word of that vaporous and imaginary great Lord you write of, but I am confident he is at a profound *non plus*, concerning whom a word or two, and that I hope without offence. He that hath but a judgment able to distinguish between a white and a brown piece of bread may sensibly observe that purchasing of lands is now become one of the best traffics in action. The yearly value and price thereof do so mightily and daily advance that even those purchases which but three years since were esteemed marvellous dear and almost undoing to the buyer are by the contingency of the time proved to be now more than saving and very advantageous." I send you the Lord President's replication to Mr. Robiston's answer, which his Lordship left with me on his going into Thomond, whence he is not yet returned, desiring that you would cause his attorney to be careful therein. He prays that Sir William Fenton, Richard Fisher, Cahier O'Callaghan and John Burgatt may be named commissioners for him. It is

possible that Dr. Bramhall* may do something for poor Mr. Fisher, our curate, whom he heard preach at Mallow. Mr. Murrey is to solicit for him, and I pray you to advance any money that he may need, which I will thankfully repay. 3 *pp.*

WILLIAM BRITT or BRETT.

1634 [April].—Memorandum that William Britt of Lismortagh, gent., was, at the present assizes at Clonmell, beginning April 3rd, convicted of high treason for burning the dwelling house of Patrick Kearney, and accordingly received his judgment and was executed. *Signed*: R. Osborne. ½ *p.*

SIMON HALY to his landlord, PHILIP PERCIVALL.

1634, May 8. Killmallock.—Writes to inform him that James [Fitz Nicholas] Barry "is this long time plodding in his castle, making collection" of Percivall's proceedings and purchases in those parts for many years past, and is resolved to produce them before the Lord Deputy. ¾ *p.*

The LORD DEPUTY.

1634, May 8. Dublin Castle.—Warrant [to the Lord President of Munster?] to issue a commission to Sir Richard Osburne, Bart., Sir William Fenton, Knight, Luke Gernon, Esq., second justice of the province of Munster, Richard Fisher, Esq., his Majesty's Attorney there, and the Escheator and Feodary of co. Tipperary and their deputies, William Wiseman and Joshua Lancaster, Esqs., and James Prendergast, gent., or any two or more of them (of whom the Escheator or Feodary to be one) to enquire of his Majesty's title to the towns, villages, hamlets and lands of Lismortagh and Ballybeggane and of Rathmoely and Gortnavearinge, by the attainder of William Brett. *Copy.* ¾ *p.*

WILLIAM BRETT.

[1634, September?]—Memorandum that William Brett of Lismortagh, co. Tipperary, gent., was seised of and in the town and lands of Lismortagh and of and in the village of Rathmoely, the former containing three quarters of a colpe and the latter half of colpe and two acres of land, and being so seised, was attainted of treason, viz., for burning the house of Patrick Kearney, gent., on April 5, 1634. Lismortagh is held of Robert St. John, Esq., as of his manor of St. Johnstowne, and Rathmoely is held of the King, but by what tenure is not known.

The question is whether the King, by the attainder of the said Brett, is entitled to all the premises or to that part only which is held from himself. ⅔ *p.*

1634, September 9. Clonmell, co. Tipperary.—Indented Inquisition taken after the death of William Brett, executed for

* Dr. Bramhall was on the eve of being made Bishop of Derry.

high treason, April 6th, 1633. Finding of the jury that the said William Brett was seized of and in the town, village, hamlet and lands of Lismurtagh, *alias* Lismoriertagh, including the hamlets of Ballybeggane and Graigtlea, in the Barony of Middlethird, co. Tipperary, and also of the town, &c., of Rathmooly, including the hamlet of Gortnabearinge, in the Barony of Slevardagh, in the county aforesaid. And that he being attainted for the burning of Patrick Kearney's house at Cnockanglas and executed on April 6, "all and singular the premises are escheated and come unto our Sovereign Lord the King in the right of his crown of this realm. And further that 6*s.* 8*d.* are yearly due to Robert St. John out of Lismurtagh, and that Allan Laffan, *alias* Brett, late wife of Geoffry Brett, father of the said William, was alive at the time of her son's attainder, and dowable of a third of the premises, but died in May last. *Signed and sealed by sixteen jurors.* 1 *sheet.*

PHILIP PERCIVALLE to his brother-in-law, RICHARD FITZGERALD.

1634, September 9. Clonmell.—[Long letter touching the proceedings of James Fitz-Nicholas Barry.] Sends letters, &c. Asks his brother to consult with Sir George [Ratcliffe?] and to warn Barry to speak only the truth, and to let him know that as he has brought Percivall into his petition against the Earl of Cork, so Percivall has had to say something modestly against him, and must proceed harshly against him if he do not act more fairly. Argues for the justness of his own proceedings, and states that neither Lord Killmallocke, Lord Muskery nor Sir Robert Tent (the wealthiest man of his rank in Munster) would deal with Barry, because his demands were so wild. $2\frac{3}{4}$ *pp.*

Endorsed in Fitzgerald's hand: "My brother Percivall."

PHILIP PERCIVALLE to GEOFFREY BARON.

1634, September 15.—Concerning a deed produced by the widow of William Brett, pretended to be made by him to the use of his children, and which Percival declares to be a forgery, or at any rate not duly executed. Understanding that she means to move the judges, upon some reference from the Lord Deputy, he sends the list of the jury upon the inquiry, all men free from exception, and who found the whole lands for the King. Prays that the Judges may be informed thereof. *Draft.* 1 *p.*

PETER WYCOMBE and PATRICK ROCHE to SIR JAMES WARE and SIR PHILIP PERSEVALL.

[1634],* December 1.—There being a Commission directed to us out of His Majesty's Court of Castle-Chamber [Star Chamber] in England on behalf of Lawrence, Lord Esmond, Lord Baron of Lymericke, and other defendants, for receiving their answers, and you being nominated Commissioners on behalf of Thomas,

* This letter is misplaced. The date must be 1637.

Lord Viscount Wentworth, Lord Deputy, we pray you to take notice of the commission, to acquaint his Lordship therewith and to sign the enclosed warrant, and that his Lordship will appoint a day for its execution in the town of Wicklow, that being the place appointed. *Signed.* ½ *p.*

DAVID HARBERT to his master, PHILIP PERSIVALLE.

1634, December 5. Liscarrull.—Letter endorsed by Percivall "Da: Harberte, bragging of his own self, giving a reason for his officiousness; pretending Mr. Hodder directed him." 1¼ *pp.*

PHILIP PERCIVALLE to LAWRENCE CLAYTON.

1634, Dec. 7. Dublin.—"Good gossip mine," you must expect a settlement of your fees by the Lord Deputy, not by Parliament, and that I conceive is best for all officers and especially for your Court. Nicholas Barry has dealt most perfidiously with me, has broken bonds of great value, and goes about to cozen me of my just estate, so that I desire Mr. Newdigate to secure him the best you may. He made much noise about his protection, but he durst not show it to Parliament. When it was seen in Lord Barrimore's custody, it appeared, first, that he was never a retainer of the Earl of Kildare and is outlawed, next, that the said Earl has been absent from the kingdom all this session without licence or proxy, and thirdly and chiefly, that the protection was only for last session, which ended on the 3rd of August. Therefore, he is clearly subject to answer all demands, and I pray that he may be forthcoming to answer mine. As to the sheriff, I doubt not to have him soundly fined for his neglect. Commend my service to Lady St. Leger and tell her that my Lord is recovering, but if he is ruled by me he will not go hence to come again or without leave to be absent for the next session, which will be about Candlemas. *Draft.* 1 *p.*

PATRICK CARNY to PHILIP PERCIVALL.

1634[-5], January 20. Ballinknockane.—Complaining of his persecution by Lawrence Dodd, the late undersheriff, who has served him "with a commandment from the Lord Deputy to pay him 3*l.* 10*s.* or appear &c. for the rent of Brytt's mother at Michaelmas last for the King" although he has told him that the matter concerns Percivall himself. Prays for directions how to confront Dodd.

Postscript. Stating that he has conferred with Mr. Mouldsworth about Percivall's affairs, and as regards Garrinstocodon can do something, the co-heirs being his cousins and needy; and asking him to write to Mr. Mould[sworth] to expect no rent for Lismortagh from any, either English or Irish, until a year after his (Percivall's) setting of it. 1 *p.*

THOS. BETTESWORTH to PHILIP PERCIVALL, Dublin.

1634[-5], February 2. Moall[ow].—Having lately written to you by Sir Walter Coppinger, and before that by Mr. Skipwith, I have no news worthy your knowledge, but cannot let Sir Edward Denny go without a salutation. He has been snow bound here for some days, during which we have had an incredible depth of snow and blustering winds. We poor farmers must needs suffer exceedingly. I know no certainty yet, but expect dolorous and tragical relations.

Lord Roche has not yet performed his security, but I believe the only impediment is this cruel weather, as the deed was duly executed long since, and is with Will Dobbins. In reply to your inquiry about Dromdoney, I believe the yearly value is about 150*l.*, but when the leases expire it may amount to 180*l.* or 190*l.* The good Lord President is still indisposed, and is now consulting with Dr. Higgens and Anthony whether he will be able to start for Dublin, but I am of the negative opinion. 1 *p.*

WILLIAM DOBBINS to PHILIP PERCIVALL.

1634[-5], February 24. Mallowe.—Complaining that Mr. Cahir O'Callaghan is encroaching upon Percivall's lands at Dromdowney, giving details concerning stock, and stating that "Young Captain Redmund is bailed by Mr. Robiston and Magner to answer an information, but I fear them knaves will hardly prove sound matter enough; what can be, shall be done." 1½ *pp.*

Petition of PHILIP PERCIVALLE to LORD DEPUTY WENTWORTH.

1635 [April 28?].—Petitioner, being in possession of the lands of William Brett at the time of his attainder, by reason of a debt due to him, and his Majesty's title to the lands being now declared, prays his lordship to give warrant for the passing of the lands to him and his heirs, for such yearly rent to the King as he may think fit. [A clause stating that Margaret, relict of William Brett, claims a third of the lands, by virtue of an order from Judge Chadwick, is marked as omitted.] *Draft. Endorsed as delivered to Sir George Ratcliffe on the above date.*

JOHN BARRY to PHILIP PERCIVALL.

1635, August 3. Lismore.—What with bleeding and outward applications at Castle Lyons, I have indifferently well got over the pain of my fall. Want of company there has driven me here, where I am like to stay until Lord Barry and his lady return from co. Wexford, which will be next Wednesday. It is reported that the Lord Deputy will, on the 27th inst., begin his journey to Parsonstown and for Dublin by Sir Charles Coote's and my Lord Chancellor's. 1 *p.*

MARGARET TEMPLE.

1635, September 5.—Copy of the will of Margaret Temple, relict of John Temple, clerk, late Chancellor of Collman in Clone, appointing Philip Percivall guardian of her son John, making her said son her heir and executor (with remainder to her sister Elizabeth) and desiring that her brother in law, John Tezar, and her sister Elizabeth may have the management of her lands and stock at Gortbofyny for the child's benefit. With bequests of two milch cows and their calves, a feather bed, a flockbed, "caddowe," bolster and pillow to her sister, and of one cow and its calf to her man, William Prendergast. *Signed by mark.*

Annexed:—

Inventory of goods and chattels, including furniture, bedding, pots and pans, two looking-glasses and a harp.

PHILIP PERCIVALLE to the EARL OF THOMOND.

1635, September 8.—Having understood that his lordship had given Daniel Clancy and one Hibbots authority to conclude the bargain touching the estate of Ballynecloghy, he now hears that his lordship means to take the land into his own hands, and that he [Percivall] is to be cast out at Michaelmas, without more ado. Prays that he may be allowed to conclude his bargain, or that at any rate he may have time to provide himself elsewhere. *Draft.* 1 *p.*

PHILIP PERCIVALLE to CNOGHER REAGH [O'CALLAGHAN].

1635, September 8. Casshell.—I thank you for your pains in the arrangement with Mr. John Roche, and am content with what you have done, " and though I protest I think he have a great bargain of it, more than you are aware of, I stand to it and will not flinch it." As I am leaving the country, and bound in haste for Dublin, where I shall remain until near Michaelmas, pray give orders for Mr. Roche's entry to Philip Nogle, who keeps the house at Lismortagh. *Draft.* 1 *p.*

Endorsed: To Cno. Reagh about Ballynegarragh and Lismortagh.

MARGARET BRETT.

1635, September 11.—Agreement between Margaret St. John *alias* Brett and Philip Percivalle, by which she agrees to surrender the deed made in her favour by Wm. Brett, her late husband, in consideration of the annual sum of 7*l.* English to be paid her by Percivalle in two instalments at the Feasts of St. Philip and St. James and of All Saints, and also of two milch cows, to be given her when she delivers up the writings. Subject to the approval of the Lord Deputy. *Signed and sealed.* 1 *p.*

The Lord Deputy to the Attorney and Solicitor General for Ireland.

1635, September. Dublin Castle.—Warrant to draw up a grant to Philip Percivalle of the lands of Lismortagh and Rathmoely for the term of thirty-one years. *Draft.* ¾ *p.*

Philip Percivalle to Dr. Fennell.

1635, December 26. Dublin.—Stating that he is concluding his bargain with the Earl of Thomond for the purchase of Ballynecloghy (having already purchased John Laffan's part thereof) and begging to know whether the Earl of Ormond will be willing to part with the small parcel which he has there, and for what consideration. *Draft.* 1 *p.*

Philip Percivalle to the Lord Bishop of Cork.

1635[-6], January 15. Dublin.—When your lordship was here, you mentioned a debt due to you and Mr. Travers from Mr. Temple. I could not then say much on the subject, but I have now got the will and am endeavouring to get a chapman for the house in Mallowe. I am told that the first thing to do is to get letters of administration of the goods both of the father and mother of the child, and humbly beg your favour in giving speedy order for whatever is needful to be done, that I may make a sure estate for whoever buys the house, satisfy Mr. Temple's just debts, and do the best I can for the boy. I am confident your Lordship will do what you can for the son of the old Chancellor of Cloyne. *Draft.* 1 *p.*

Cnogher O'Callaghan* to Philip Percivall.

1635[-6], January 16. Beallabalagh.—Asking him to have a special care of Sir James Craig's business, and advising him to secure a lease of Balligradie, Rathnegard and Ballibane for a park, as they will keep more deer, mares and horses than any park in the country. 1 *p.*

Philip Percivalle to Cnogher O'Callaghan.

1635[-6], January 23. Dublin.—Concerning his right to the Meares of Dromdowny. *Draft.* 1¾ *pp.*

Philip Percivalle to the Earl of Thomond.

1635[-6], February [16 erased]. Dublin.—Concerning his purchase of the lands of Ballycloghie, for which he states that he is giving "a greater sum than any man living would have paid for that land or any land in that country." *Draft.* 2 *pp.*

* There are many letters from him in the collection, in relation to Percivall's estates and tenants.

The Earl of Thomond to Philip Percevall.

1635[-6], March 7.—I thank you for your friendly assistance in my affairs. It seems that there is a course taking for the payment of the arrears due from his Majesty, touching which I entreat your advice and assistance to the bearer, or whoever shall solicit them. If there be a settled course taken, I must expect but the same proportion as others, "but if by way of composition" I shall presume on your friendship for assistance. I have perfected your estate and wish you happiness with it. Pray let Tom Kercher have bills of 1,000*l.* payable in London, and his acquittance shall be my acknowledgement. *Signed.* 1 *p.*

Endorsed: "Earl of Thomond, with the conveyance of Ballynecloghy." *Seal with arms and coronet.*

Earl of Thomond.

1635[-6], March 7.—Power of Attorney to Philip Percivalle to compound for and receive on his behalf the debt of 5,338*l.* 11*s.* 9½*d.*, due to him from the King. *Signed and sealed.* ⅔ *p.*

Philip Percivalle to Mr. Jesop.

1636, April 25. Dublin.—Making certain offers for the purchase of the estate of Burton [co. Somerset]. If they are accepted, he will conclude the bargain with but few more words, and will present Mrs. Jesop with a satin gown, as is the custom of his country upon passing of a fine; otherwise, although he would fain leave somewhat to his children in the country where his father was seated, he must put his money out to better advantage. His kinsman, Edmond Percivall of Ringwood, in Hampshire, will act on his behalf. *Copy.* 1 *p.*

Tho. Crosse to John Jesop.

1636, April 25. Dublin.—Has had several treaties concerning the manor of Burton with Mr. Percivall, who has met him in a very friendly and noble way, and is willing to deal, but thinks the price somewhat too high. Has no doubt but that the matter can be arranged, in which case a court must be held upon the manor and an exact survey taken (in which Mr. Percivall will appoint an agent of his own to join), after which Mr. and Mrs. Jesop must confirm the estate to him by fine or otherwise as counsel shall advise. 1 *p.*

Richard Fitzgerald.

1636, May 2.—Articles of agreement between Philip Percivalle and Richard Fitzgerald, whereby Percivalle appoints Fitzgerald to be his deputy in the offices of Clerk of the Crown in the Court of Chief Pleas, Ireland, Clerk of the Common Pleas, and Custos

Brevium, &c., in the same Court, to execute the office as fully and amply as did Henry Andrew, Esq., deceased, and Percivalle himself, Fitzgerald paying therefor an annual sum of 266*l.* 13*s.* 4*d.* *Signed by Fitzgerald.* *Copy.* 1 *sheet.*

PHILIP PERCIVALLE to his cousin, EDMOND PERCIVALLE, Ringwood, Hants.

1636, May 4. Dublin.—"Having resolved to attend the Lord Deputy into England, I have, partly in pursuance of your former advice, contracted a bargain with Mr. Jesop for the manor of Burton and all his lands in Burton, Kingston Seymour, Rollston, Wyke St. Lawrence, Banwell, Weston by the Sea and Blacksolles." The prices are high, twenty years' purchase for the rents of assize, and nine, seven and five years' purchase for what is estated for one, two or three lives, only I have some small allowance in the total. The values are to be ascertained by a survey, on June 20, and I pray you to be present (although I doubt not his just dealing) to see that I be not over-reached by any of the tenants. He assures me that the tenure is in soccage and that his wife's sisters and their husbands* have by bond cut off the entail and will "join in my estate" if required, and also that by custom of the manor, "no widow can have any estate until it be purchased, and that it is as good land and as finable as any in the county." He tells me that the court rolls and books are in the hands of the executors of Ri. Perne of Gillingham, but that they will be forthcoming, as also the writings in the hands of one Chris. Philips of Chickrell, co. Dorset. I expect to be in London sometime this term. Dampier is now in your country. Tell him that he has forgotten his promise to make a bargain with Mr. Arnold for his lease of part of Dod's Castle for Dick Fitzgerald. 2 *pp.*

CHARLES DWYER to PHILIP PERCIVALL.

1636, May 4. Casshell.—I attended your man and Mr. Philip O'Dwyer and John Laffan and his wife Allane before I saw the release perfected and the fine acknowledged, which fine I will send to Mr. Hary Hortt without delay. David Riogh being with much ado brought before Mr. Dr. Fennell, declares he has no interest in the part he holds of Ballynecloghy, and Mr. Butler tells me he purchased it of David Riogh twelve years since and will agree with you for it. I have not spoken to Mr. Redmond Magrath, "for that he is tomorrow to deliver unto his son Edmond the town and lands of Balliwear, as a jointure to Sir Nicholas Wailsh's daughter who is married to him, if Sir Nicholas and he can agree." 1¼ *pp.*

* From other documents it appears that Roger Maudley's three daughters and co-heirs were Anne, wife of Thomas Samborne, esq., of Nunney; Margery, wife of John Jesop; and Frances, wife of Robert Clerke of Wembdon; who inherited respectively the manors of Nunney, Burton, and East Lidcot. Also that Frances Clerke died about 1634 without heirs, and that Thomas Samborne died about January 16, 1636-7, leaving a son of nine years of age.

EARL OF THOMOND.

1636, May 5.—Letter of attorney, empowering Philip Percivall, esquire, to account with the Vice-Treasurer for Ireland for half a year's pay for the government of Thomond, and to receive the money. *Signed and sealed.* ½ *p.*

PHILIP PERCIVALLE to his cousin, EDMOND PERCIVALLE.

1636, June 2.—The bearer, Mr. Crosse, has relation to Mr. Jesop. He is now going over upon my Lord of Cork's occasions, and as he and Mr. Jesop will both be there I rely on you to see that I am at no disadvantage, although I believe they will deal fairly. I am now taking ship, and expect to stay in London until towards the end of this month. ½ *p.*

EDMOND PERCIVALL to his kinsman, PHILIP PERCIVALL.

1636, June 7.—I was last term in London for ten days, expecting the money to satisfy the Earl of Thomond, but as it did not come, and that is not a place to stay in without business, "especially the town being so contagious as now it is," I returned home. I will do my utmost in the Somersetshire business. If you had any survey of the estate I wish I had seen it, so as to get a little light before the new survey is taken, but I think you will have fair play if the tenants are to deliver their values upon oath: "I think none of them so mad as to over-rate their living, for the burden of that will be theirs when they shall bind." I do not think your rate of purchase dear.

I desire your resolution touching Frank, as if you intend to have him I must send for him to his master. I shall much rejoice to see you here in my smoky cabin, and pray you to hasten out of London, for as you know it is at present very contagious. 2½ *pp.*

SIR PHILIP PERCIVALLE* to his cousin, EDMOND PERCIVALLE.

1636, June 13. "From Mr. Bowes' house" [London].—I came hither last Saturday night and am heartily sorry it was not my good fortune to meet you here, for I do not think I shall come into your parts. "My coming over being only to wait on the Lord Deputy (to whom I stand much obliged), ... I do not hold it fit to leave my Lord, who intends as soon as he hath dispatched his occasions at Court to return into Ireland by the way of York, and that will be, as his lordship conceives, about three weeks or a month hence." I therefore intreat you to make my business your own, and as you direct me, so I will proceed. [Details concerning Burton, &c.] The Earl of Thomond's money

* Sir Philip was knighted on June 2 by the Lord Deputy just before they left Ireland.

is paid. Mr. Bowes tells me that your son will be here on Friday, when I will confer with him and do as I conceive best for his good.

"There died of the sickness the last week but sixty-four, and of them but a few within the walls. I hope God will stay His hand. Yesterday we were at Court, and kissed the King and Queen's hands." 2 *pp.*

JOHN JESOP to EDMOND PERSIVALLE.

1636, June 16. Meere.—Making arrangements for the ensuing visit to Burton for the survey, but stating that unless Mr. Philip Percivall comes, he himself shall remain away, lest it be thought that he was taking some advantage and that his presence might have an effect upon the tenants. 1 *p.*

THO. CROSSE to EDMOND PERCIVALL.

1636, June 22. Sherborne Lodge.—I am enjoined by Sir Philip Percivall to be present if possible at the survey at Burton, and shall be obliged if you will inform the bearer when it is to be held. "I am now employed by my lord of Cork concerning a purchase which he is in hand with in Dorsetshire at Stalbridge, my lord of Castlehaven's land, about which place, and at Sherborne, at the Earl of Bristol's, I believe I shall spend little less than a fortnight," after which I must return to Ireland with all the speed I may. 1 *p.*

THOS. CROSSE to SIR PHILIP PERCIVALL.

1636, June 25. Sherburne.—Advising him to arrange a personal interview with Mr. Jesop, as the best way of coming to an amicable arrangement. 1½ *pp. Seal with deathshead.*

Addressed to "Sir Phillipp Percivall, knight, at his chamber at Mr. Edmond [*sic;* Edward] Bowes his house, at the sign of the Axe, over against the Chequer tavern in the Strand."

JOHN JESOP to EDMOND PERSIVALLE.

1636, June.—Stating that he has seen his brother Samborne, and sends a copy of the office found upon Richard Mawdeleye's death, but believes that his father-in-law's, Roger Mawdeleye's, office and fine are in Ireland. He will find them if he can, but if not, "they are of record in London and there to be seen." Is just starting for Ireland. 1 *p. Date given in endorsement only.*

THE SAME to THE SAME.

1636, July 2. Chadenwich.—Concerning the office found after the death of Richard Mawdeley, Oct. 9, 42 Eliz., and that found after the death of Roger Mawdeley in 7 Charles. This last is

improper, as his brother Samborne told the Escheator that Burton was conveyed to Jesop's wife and her heirs, whereas it was conveyed to himself and his heirs, by his wife, and only in failure of issue by him to her heirs, &c. 1 *p.*

SIR PHILIP PERCIVALLE to JOHN JESOP.

1636, July 5. "At Mr. Bowes his house, at the sign of the hatchet near Strand Bridge."—Complaining that he has failed in several particulars to carry out his promises, especially as regards delivering up deeds, &c., and also by objecting to the keeping of the Court of Survey by Mr. Parry. *Draft.* 2 *pp.*

THO. SAMBORNE to his brother[-in-law], JOHN JESOP.

1636, [July?] 12. Noney.—Marvels that he is asked for one of the fines, there being but two parchment rolls, of which Jesop had one and brother Clarke the other, he himself having but a copy on paper. 1 *p.*

JOHN JESOP to MR. [EDMOND] PERSIVALLE.

1636, July 12.—He perceives by Sir Philip's letter that he is much incensed (how unjustly, his conscience is a thousand witnesses unto his soul), and expects nothing but that he will take course against him. Would have done anything to give Sir Philip satisfaction, and will do so still if possible in a fair way, but if enforced to impossibilities must defend himself. 1 *p.*

JOHN JESOP to SIR PHILIP PERSIVALLE.

1636, July 12.—I cannot send your letters to Tom Crosse, as I know not where he is. "I must assure you that my promises were no larger than shall be my performances at the first and last; if I have failed willfully, or made cavils, as you term it, I desire to appear a most egregious knave. If I have not, then the mistake will rest somewhere. You charge me with not delivering writings unto your cousin Persivalle. By the blood of Jesus, I have sent once, twice and again unto Mrs. Pearne for them. Could I have conceived that any lawyer in the world would have left one writing in one hamper . . . and others in another, some at Shaftsbury, some at Gilingham, others in London," and no counterparts of any lease since I was lord of the Manor. [Defends his conduct at great length, and ends by suggesting that Percivalle should take back his 700*l.* with interest, and reconvey the manor to himself.] 4 *pp.*

THE SAME to THE SAME.

1636, July 18. Chadenwich.—On the same subject. 1 *p.*

SIR PHILIP PERCIVALLE to JOHN JESOP.

1636, July 28. London.—Has received three letters, dated the 12th, 13th, and 18th, the two first being very long and full of protestations of fair intentions. Is not so absurd as to expect impossibilities, but does expect words to be put into action. [Long letter about the survey at Burton and other matters connected therewith.] 2½ *pp.*

JOHN JESOP to EDMOND PERSIVALLE.

1636, August 17.—Asking him to come to Chadenwich on Monday next that they may go together to Burton on Tuesday. Has no objection to Mr. Parrie and E. Persivalle himself being Sir Philip's commissioners at the survey, but must nominate Mr. Whitticarre and Mr. Samborne in his own behalf. Is willing to afford Sir Philip all the service he can, and will "go, ride, write or run in his business," but begs not to be blamed for not being ready to have his land bought and sold by Sir Philip's own steward, which Mr. Parrie is at the present time. Burns with a desire to have the business at an end one way or another, and wishes to return to his wife, when Lord Cottington shall have been a few days in these parts. 1 *p.*

EDMOND PERCIVALL to SIR PHILIP PERCIVALL.

1636, October 7.—After three weary journeys into Somersetshire, he and Mr. Jesop have come to an agreement about the survey. The tenants absolutely decline to give the value of their holdings upon oath, saying that they are mostly tenants also of other adjacent lords, as the Chamber of Bristow, Church of Wells, Lord Paulett and others, who would all expect the like, which would be their undoing. The situation and quality of the land is more than he expected, and the estate is not dispersed, but lies conveniently together, excepting Mistress Hungerford's lease in Banwell, and one tenant in Weston super Mare. His cousin, James Percivall, who lives within ten miles, advises Sir Philip not to refuse the bargain. 1¼ *pp.*

THE SAME to THE SAME.

1636, Oct. 21.—Mr. Jesop has sent a copy of the office found after the death of Richard Maudley, 42 Eliz., "in which office they found a fine acknowledged both by Richard and Roger his father in Trinity term, 6 Eliz., of divers other lands beside the manor of Burton, the use whereof was to Richard his wife for term of life and after that to their right heirs, the tenure thereof in socage, but held of two several lords." He will deliver the papers, which are in Ireland, if you go forward with the purchase. I have received your letters sent by Mr. Pilgrime and Sir John Gifford, and am glad you like your Lincolnshire purchase, yet "I think it fitter for you to affect your own native soil, I mean Somersetshire."

I do not advise you to send any cattle over whilst the Turks are so busy, least both your agent and cattle should suffer, there having been a multitude of passengers taken this summer. I hear nothing of Mr. Dobbins. Perhaps Mr. Dampire keeps him back, or it may be fear of the Turks. "Sir Francis Godolphin of Cornwall, with his lady and servants, and his brother, Captain Godolphin and his wife, going to the Isle of Sillie, some three or four leagues off the shore, for their repast, were this summer taken by the Turks, and [one of] the Turks attempting to abuse the Captain's wife, he presently ran him through, whereupon they cut him in a hundred pieces, and have carried Sir Francis and the rest away captives. God of his mercy send us some relief." 1¼ *pp.*

Sir Philip Percivalle.

1636, Oct. 28.—" Memorandum about Burton estate.

27th.—I viewed Burton land.

28th.—In the morning, at Langford Inn, I ended with Mr. Jesop about it and came to Bristoll, 10 miles. Edmond Percivalle sent his son Frank along (though against my will by reason of his want of health). My host (Goodman Yong) showed me Langford, going to Mendehip, south-east, 16*l.* rent and 60*l.* in demesne, and a pretty house bought lately by Alderman Criswick of Capt. Ken, for 1,600*l.* at most. It is part of the marsh, which hath his name by some from Banwell, a manor of the Bishop's, by some from Wrenton, a manor and market-town of Lord Capell's joining to the marsh on the west and to Bradwell Downs on the east, and by some from Congresbury, a manor of the city of Bristoll."

Underneath, a rough map of the neighbourhood. ½ *p.*

Edmond Percivall to Sir Philip Percivall.

1636, November 28.—I thank God for your safe arrival at Chester and for the news you send of my son Frank. Pray tell him that his grandmother died on the 15th of this month, and that his uncle Lyne spent above 60*l.* on her funeral. I will without fail pay your 400*l.* in January to Mr. Bowes, but am doubtful how to send it by reason of the plague. I think by the Salisbury carrier will be best. [Details in relation to Burton.] As for my Escheatorship, I will send over a very able man after Christmas as my deputy. If you think Frank is likely to live, pray procure the patent in his name, but if not, I think I would take the gentleman's 100*l.* for it. I earnestly desire you to send me an answer concerning Mr. Dobbins, for this day I have had a letter touching my daughter from a well descended gentleman whose father lives at Exmister in Devonshire and has 500*l.* a year in land. His name is Malloke, and this is his second son, a merchant bred in France and Spain and speaking both languages. His father can only give him 500*l.*, but if Mr. Dobbins is

disposed of, I may hearken to him, as he is a well spoken and well bred man. Since her grandmother's death her uncle Lyne has promised my daughter that if she marries to his liking, she shall have 100*l.* when he dies. 3 *pp.*

EARL OF THOMOND to SIR PHILIP PERCYVALL.

1636, December 7.—Requesting him to make certain payments out of the moneys to be received from Mr. Loftus in payment of his arrears. *Signed.* ¾ *p.*

THE SAME to THE SAME.

1636[-7], Jan. 23.—About the end of last month I wrote to you on behalf of Mr. John Horsey, a relation of mine, touching a debt of 60*l.* owing from him to one Mr. Willyes* in Dublin (who commenced suit against him before my Lord Deputy) and begged you to obtain reasonable time for him. I have had no answer and hear that the prosecution is still on foot, my intercession having proved fruitless. Rather than that he should incur further prejudice, I desire you to satisfy Willie from my moneys, and obtain his release for the debt. *Signed.*

Postscript. Pray discharge the remains of my subsidy money. You may remember I told you that the assignment you made to me of the wardship of James Morris had miscarried and that I desired a new one to be made out to Teig McMortho, of Carrigery, to whom I have transferred my interest. I beg you to be mindful of this, and also of the assignment of Redmond Neland, wherewith I directed Wm. Brickdale to acquaint you last term. *Signed.* 1 *p.*

THE SAME to THE SAME.

1636[-7], January 24.—I beg you to excuse my boldness in being so often troublesome to you. If my agent, Thomas Hinson, asks you for money, pray let him have it. He will tell you my mind touching Redmond Neland's lands, of which you passed an assignment to my servant, Mortho Moriarty, to my use. There is a remainder of the subsidy taxed upon me not yet discharged, which I pray you to see paid. *Signed.* ¾ *p.*

DANIEL O'SULLIVAINE to SIR PHILIP PERCIVALL.

1636[-7], January 27. Formoile.—Sending the counterpart of the deed of mortgage between his brother, Daniel Oge and Piers Creogh, the bargain being that Percivall shall this very next term redeem the eyrie of hawks from Lord Baltinglas, and hold it in mortgage for his disbursements in bringing out "a pardon of alienation" for Piers Creogh. If Lord Baltinglas is in England the money is to be tendered to his lady. 1 *p.*

* In his receipt for the money, he signs "John Willy."

Sir Richard Bolton, Lord Chief Baron of Exchequer and Attorney of the Court of Wards, to Sir William Parsons, Bart., Master of the Court of Wards.

[1636[-7], February 10.—By an inquisition taken at Clonmell, co. Tipperary, Sept. 10, 1635, after the death of Connor McEdmond O'Dwyer, late of Bellagh in the said county, gent., it was found that he was seised of divers lands, &c., in the said county, and that he died so seised June 30, 1631. As the lands were found to be held of his Majesty by knight's service *in capite*, his Majesty is entitled to the wardship of the heir, Connor O'Dwyer the younger, grandson of the first Connor McEdmond, which was granted by this Court, for a certain sum of money, to Sir Philip Percivall, demising to him the lands, for a great rent, during the minority of the heir, and granting to him (in consideration of a further sum of money) all rents and profits due to his Majesty since the death of Connor the elder. But the rents of certain lands in Bellagh, Derrymore, Killmore, Ballypiers, and Clonross have been levied and taken by Owhny O'Dwyer of Cappaghmurragh, gent., Thomas McConnor O'Dwyer of Bellagh, gent., Philip McConnor of the same, gent., Redmond Magrath of Ballymore, Esq., Owhny O'Dwyer of Clonhorpa, Esq., Derby O'Dwyer of Clonross, John McOwhny O'Dwyer of Derrymore, William McJohn of the same, and divers others, who, ever since the death of Connor the elder, have converted the said rents and profits to their own use, by colour of some mortgages made to them, without giving either the King or Sir Philip any account of them, whereby his Majesty is much prejudiced. His Majesty's Attorney therefore humbly prays that the above named Owhny O'Dwyer and the rest may be ordered to appear before the Court to make answer and give account touching the same, and also to produce the writings by which they claim the forementioned premises. 3 *pp.*

The Earl of Thomond to Sir Philip Percyvall.

1637, May 11.—Requesting him to send the writings concerning Ballynecloghy, Loghane, Munsagh and Marshalstowne (the case between himself and Tibott Bourke being submitted to arbitration), and again reminding him of the assignment which he wishes to have of the wardship of Symon [*sic*] Morris "in the name of one Teige McMortagh of Carrigery." *Signed.* ¾ *p.*

William Fitzgerald to Lady Docwray.

1637, May 25.—I have delivered your letter to the Earl of Cork, but he has taken an ill-conceit against me because I asked him to sign the paper which I sent to you by Teige. I think Sir Philip Percivall will disengage it or buy it. Lord Mount Norris is gone to England, but I pray you to have nothing to do with him.

"Sir Beverley Newcome[n] and his son, Mr. Arthur Newcome, were both drowned at Waterford, coming from the ship to the shore."

Addressed: "To the right noble and my ever honoured lady, the Lady Docwray in Ecton in Northamptonshire, hard by Northampton town, at one Mr. Midleton's." 1 *p.*

MRS. MOLYNEUX.

1637, May 26.—Acknowledgment by Jane Molyneux, that she has received 17*l.* 10*s.* from the Earl of Thomond (by the hands of Sir Philip Percivall) for the funeral fees of his father, the late Earl. *Signed.* ½ *p.*

SIR PHILIP PERCIVALLE to his cousin, NICHOLAS DOWDALL.

1637, May.—Complaining of the uncivil proceedings of one Mr. William Lock. *Draft.* ¾ *p.*

SIR PHILIP PERCIVALLE to WILLIAM DOBBINS.

1637, June 1. Dublin.—Stating that he had written long ago to his cousin, James, authorizing him to appoint a steward for Burton, and requesting him to procure, if possible, a little map of the estate, to give some light to his proceedings, as Mr. Jesop's old survey, taken when one Mr. Bowier was steward to Mr. Maudley (his wife's father) differs from the later one. Having had the answer, he now authorizes Dobbins and Edmond Percivalle "to see the Court called," receive the rents and contract for leases, on his behalf. 2 *pp.**

WM. FITZGERALD to SIR PHILIP PERSEVALLE.

1637, June 8.—Concerning the proposed sale of certain of Lord Docwra's lands. Believes that "Sir George Ratcliffe will have Ramines for some few years." ½ *p.*

CHARLES DWYER to SIR PHILIP PERCIVALL.

1637, June 13. Cuilleuver.—Advising him to buy lands in that neighbourhood, as the inhabitants are so affrighted by the relation of the coming of the Plantation that they will sell upon very easy rates. 2 *pp.*

JOHN JESOP to SIR PHILIP PERSIVALLE.

1637, July 2. Mackemay.—Before I received your letter by Mr. Swantone, I had laid aside my father-in-law's bonds. "For a thousand kingdoms, as I hope to be saved, [they] shall not be detained from you, but as soon as ever I set sight on them they

* This and some of the following papers are placed at the end of the volume for 1637. A note on a covering sheet directs that they be transcribed "and then replaced," but this last has not been done.

shall be carefully laid up for you, for, as I live to God, I neither have done or will do you the least displeasure that way or any other willingly." I thank you for your offered help in the recovery of East Lyddeforde, but I am in good esteem with the best men there and "cannot want any legal favour in a fair way." I meant to go to sea next Thursday, but on a report that I had gone aboard last Monday, such rebellious outrages were committed by the Mollranckians that I am afraid to go until some course is taken for the abatement of their pride, in which I pray your assistance. 1 *p.*

JOHN JESOP to SIR PHILIP PERSIVALLE.

1637, July 13. Mackemay.—I will be as careful to send you all your writings as I will be of my own salvation. I would gladly have embarked before now, but am desirous that "the pursuivant should first execute his office, and then I hope my lawless adversary will be more sparing in the commitment of outrages during my absence."

I hear that three houses in Ratcliffe Street, Bristol, are infected, but "hope it will prove only rumourous." 1 *p.*

*JAMES PARSYVALL to his kinsman, SIR PHILIP PARSYVALL, at Thomas Court, Dublin.

1637, July 21. Weston.—Finding from my cousin Chappell that you left the Stewardship of Burton to my discretion, I have appointed Mr. Baber, who has kept a court and received most of the rents. He is both willing and diligent. I should have written before, but wanted safe convoy. Yours of May 13 from Dublin I received on July 12. I will keep court at the manor of Burton on the 27th. 1 *p.*

WILLIAM DOBBINS to JOHN AVERYE.

1637, July 27. [Ringwood.]—Informing him that he will receive a warrant to be bailiff of Burton manor from Mr. Baber, to whom he is to apply upon all occasions, giving him directions concerning his duties, and desiring him to send letters as often as possible to Sir Philip Percivalle, directing them either to Mr. Gibbons in Youghal, Mr. Thomas Skyddie in Cork, or Mr. Robert Wise in Waterford, to be forwarded. 1 *p.*

The LORD DEPUTY and others.

1637, July 28. Dublin Castle.—Agreement between the Lord Deputy and other Commissioners for remedy of defective titles of the one part, and Sir Philip Percivall of the other part, granting the said Sir Phillip a good and sufficient estate of his lands (as per schedule prewritten) by new letters patents from the King,

* For the various spellings of the family name, *see* Introduction.

with certain provisoes concerning lands to be held to the use of James Barry Fitz-Nicholas, Nicholas Barry Fitz-James and Redmond Barry Fitz-John, if they pay off their debts to Sir Philip. The whole to be erected into one entire manor, and called the manor of Burton, with a court leete and a court in the nature of a court baron, and all the privileges thereto appertaining. *Signed by Lord Wentworth, Sir Adam Loftus, Sir William Parsons, Sir Gerrard Lowther, Sir Richard Bolton, Sir George Ratcliffe and Sir James Ware. Certified copy.* 3 *pp.*

Prewritten:

A schedule of the lands and hereditaments for which Sir Philip Percivall compounded, viz.:—

Co. Cork. The manor of Annagh, and the castles, towns, villages, hamlets, lands, tenements, and hereditaments of Annagh aforesaid, Rochestowne, Culliagh, Coolemore, Kilbrogan, Walshestowne, Palmerstowne, Lisdargane, Classeganiffe, Ballingwery, Ballygullane, Mullaghnicree, Imogan, Killbridy, Ballynamuckie, Dunbarry, Craganecourtie, Gurtineroe, Ballyneboull, Ballychristie, Lackine, Garrynard, Rath, Cargine, Adamstowne, Churchtowne, Ballinchurrig *alias* Ballighory, Ballymontine, Garryconba, Ballymorrishine, Liskilly, Jourdanstowne, Bregoge, Glin, Raghins, Knockrobin, Montailin, Farrenbeartie, Tullagh, Boanagh, Curraghnelehessery, Killgonane, Dromdowny, Killnetwohill, Killnecallie, Ballingarrane *alias* Ouldtown, and Ballinlyny; also one tenement in the town of Buttevant called Jourdans house and two gardens thereunto belonging, one tenement in the same town and one garden thereunto adjoining called Garryensideroghty, one other tenement in the same town and one garden thereunto adjoining called Garryenpigody and one other tenement in the same town and one garden thereunto belonging called Garrymacshaneroe with the appurtenances.

Co. Tipperary. The castle, towns, villages, hamlets, lands, tenements and hereditaments of Ballynecloghie, Marshallstowne, Loghane, Monsagh, Moigh *alias* Moighderraowen, and Brownstowne, with all appurtenances to them belonging.

William Dwyer to Sir Philip Percivall.

1637, August 15. Cloyne.—Has brought his worship's ward, Connor O'Dwyre, to Clonmell, that he may see him. The child is better, but not yet strong and needs physic, which the apothecary refuses to supply any longer without money or assurance. Begs that the boy may remain with his friends until he is stronger, with due allowance for maintenance and medicines. It is now three years since his grandfather's death, during which time he has received nothing from the tenants, and his uncle, Thomas Dwyer, a very poor man, complains that Percivall's servants attempt to take a third of the corn which he has for the relief of the children of Edmond O'Dwyer. 1 *p.*

Endorsed: "William Dwyer of Cloyne, priest. Touching the ward of Ballagh. Answered 16th."

JAMES KENNEDY to SIR PHILIP PERCIVALL.

1637, August 20. Tombrecan.—Praying for his friendship and favour "in these great affairs," and assuring him that he shall not be a loser thereby. 1¾ *pp.*

Endorsed by Percivall: "James O'Kennedy of Tombracken, desiring shelter forsooth under my wings. Answered 22nd. Thanks, assuring him of what courtesy I may do him, but no power in me. I know not well when I shall be there, but at term may meet. No haste."

SIR PHILIP PERCIVALLE to JAMES O'KENNEDY.

[1637, September 1 (?).]—"Your letter I received, and for my own part, I shall be ever ready for old acquaintance to do you all the good offices I may. For favour or friendship, as you write, it lies not in my power, and you may assure yourself that the proceedings will be so honourable, equal and just that you will need make no friends in this great business. For the fees of the office of Donogh [O'Kennedy] of Cargine, due to the escheator and feodary, we intend to be at Cashell upon an enquiry on Friday come fortnight and thither you may send the same if you please. If Mr. Keadagh O'Kennedy and the rest on whom inquisitions were taken would do the like, it would save further process." *Draft.* ¾ *p.*

Endorsed: "1 Sep[r] 1637. Sir P. P. answer to Ja. O'Kennedy."

THOMAS CASY.

1637, September 7.—Indented deed of feoffment, between Thomas Casie of Rathcannan, co. Limerick, gent., on the one part, and William Comyne of Whitestowne, Esq., and John Bourke Fitz Edmonde of Cloghnedromon, Esq., co. Limerick, on the other part, by which Casie assigns to them the castle, town and lands of Rathcannan and other estates, to be held to the use of his wife, Bridget Casy, *alias* Dowdall, his two daughters, Ann and Juane, and his sister Ellen (daughter of James Casy deceased) with various provisoes. With remainder, in case of failure of direct heirs, to Thomas Casy's uncle, John Casy, and James, his son and heir, and, failing him, to the other nine sons of John Casy and their heirs in succession. *Copy.* 3 *sheets.*

JAMES PARSYVALL to SIR PHILIP PARSYVALL at Dublin.

1637, October 11. Weston.—Hopes he has received full satisfaction concerning his manor of Burton. Knowing his generous disposition, ventures to beg his assistance for his son Trencher [Trenchard] in the renewing of his patent and in excusing his absence, which is due to the death of his wife, the writer's daughter. 1 *p.*

CHARLES I. to SIR PHILIP PERCIVALL.

1637, October 16.—Letters patents, granting to Sir Philip the manor of Annagh, and the castle, town and lands of Annagh,

Rochestowne, Culliogh, Coolmore and many others in cos. Cork and Tipperary, once the estate of James Fitz Nicholas Barry, the whole to be erected into one manor, under the name of the manor of Burton, with all usual privileges and under a yearly rent of 110*l.* to the King.* *Latin. Copy.* 8½ *pp. In the margin are notes of further grants to Sir John and the second Sir Philip Percivall; and also of the surrender by James Fitz Nicholas alias MacJames, in* 1655, *of all right to the lands.*

PHILIP O'DWYER to SIR PHILIP PERCIVALL.

1637, October 29.—Informing him that he has agreed with his cousin, Richard Butler Fitz Piers (now married to the widow of Cnogher O'Dwyer of Ballintample) for all his lands in Ormond, and complaining of the conduct of Percivall's servant, Anthony Garvane. Fears he will have to come up to Dublin to enter his answer to the Earl of Thomond's bill. 1 *p.*

SIR PHILIP PERCIVALL to PHILIP O'DWYER.

1637, November 4. Dublin.—Discussing the purchase of Richard Butler's lands, and apologising for his servant's behaviour. The Earl of Thomond is not coming to Dublin this term. *Draft.* 1 *p.*

CALCOTT CHAMBRE, JAMES FIENNES and OTHERS.

1637, November 5.—Indenture between Calcott Chambre, of Carnowe, co. Wicklow, Esq., James Fines [Fiennes], son and heir of William, Viscount Say and Seale, Nathaniel Fines, second son of Viscount Say, and John Crewe, Esq., son and heir of Sir Thomas Crewe, serjeant at law, deceased, of the one part and Sir Philip Percivalle, of Dublin, of the other part.

Calcott Chambre, sen., deceased, of Williamscote, co. Oxon, on Aug. 18, 1629, granted to James and Nathaniel Fines and John Crewe the lordship or territory known as Shellelowe, Sheleloe or Shelelagh, in cos. Wicklow, Dublin, Wexford and Catherlow, and in or near the country called the Birnes' country, as also divers other manors, castles, lands, &c., with all liberties and privileges whatsoever, to be held from the date of his death for the term of two hundred years by them, their heirs, executors and assigns, in trust for the payment of all his liabilities, and to the use of his rightful heirs. And the said Calcott Chambre dying soon afterwards and leaving his son Calcott his executor, was at the time of his death much indebted to divers persons, and also bequeathed almost 2,000*l.* in legacies by this will. For the satisfying thereof his son has agreed that the lordship of Shellelowe be leased to Sir Philip Percivalle for the term of twenty-two years, for a present payment of 3,490*l.* and certain other sums, and at a

* For schedule of estates, and conditions of the grant, see the agreement with the Lord Deputy, July 28, p. 94, *above.*

yearly rent of 500*l.*, which by this indenture is now covenanted and agreed, Sir Philip promising to keep the castles and other buildings in sufficient repair and to maintain the "game of deer" in the park, and Calcott Chambre covenanting that he shall enjoy the estate peaceably without let or hindrance from himself, Mary his wife, or any other. *Certified copy.* 3¼ sheet.

Endorsed. "A copy of my Lady Carlisle's lease."

SIR JOHN VEEL to SIR PHILIP PERCIVALL, at his house on Merchants' Quay, Dublin.

1637, November 11. Ballycroag.—Requesting him to pay over to his brother [in law] Sir John Temple, the 50*l.* already received from Mr. Morgan and James O'Kennedy, but to accept of the other 50*l.*, payable in May next, for himself. 1 *p.*

DAVID, EARL OF BARRYMORE, to SIR PHILIP PERCEVALE.

1637, November 13. Lismore.—Requesting him to assist his servant, William Bryan, and his son, to pass their estates by "patent upon the Commission of grace," the Lord Deputy having signed their warrants. *Signed.*

Postscript in the Earl's own hand. "As you love me, procure Peter Courtope to be sheriff of the county of Cork." 1 *p.*

SIR PHILIP PERCIVALLE to JAMES PERCIVALLE.

1637, November 22. Dublin.—Condoles with him on the death of his daughter and promises to do his best for Mr. Trenchard. "His patent (as most others of that kind and of that time granted) is by the lawyers conceived to be defective, and the Lord Deputy, whose aims is to confirm the estate of the possessors, resolves with all those cases to have an increase of rent and a *capite* tenure of part of the land, this being now all holden in free soccage." Has moved for an extension of time, but advises the speedy passing of the grant, as by a late Act of Parliament, the titles of all passed within a certain time are confirmed, both as against former possessors and the King. His cousin Edmond's daughter [Mrs. Dobbins] has landed safely, is in good health and with child. *Draft.* 1 *p.*

SIR PHILIP PERCIVALLE to SIR WILLIAM PARSONS, Master of the Court of Wards.

1637, November 23.—Petitioning for the wardship of the two daughters and co-heirs of Thomas Casey, late of Rathcannon, co. Limerick, "dead above forty days since," and offering to find an office for his Majesty at his own charge. ½ *p.*

Endorsed. "Let the office be found, and upon return thereof, such consideration shall be had of the petitioner's request as shall be fit." *Signed by* Sir William Parsons, Sir Richard Bolton and Nicholas Loftus.

CAPTAIN JOHN HUNT.

1637, December 21.—Covenant by John Hunt to resign the wardship of Francis Fleetwood, son and heir of Thomas Fleetwood, late of Ballyderraowen, co. Cork, to Sir Philip Percivalle, provided that the said Sir Philip's daughter Elizabeth,* or some other daughter whom he may hereafter have, do marry the said ward, and that 100*l.* be paid to Hunt at the time of the marriage. With further covenant that if Francis Fleetwood dies, and Hunt obtains the wardship of his sister or next heir he will resign this in like manner to Sir Philip, "to the end she may be married" to one of his sons. *In Sir Philip's handwriting. Signed and sealed.* 1 *p.*

SIR PHILIP PERCIVALLE to SIR HARDRESS WALLER.

1637[-8], January 16. Dublin.—"I am sure you are no stranger to the disposition of your brother Casie's estate, and how the same is like to be swallowed, and his children educated by such as are unworthy of either. For the later, I have, I hope, prevented it already, and for the former, no charge nor endeavour of mine shall be wanting. The lady is pleased to think well of my course, and tells me that the writings that I look for, which I conceive may make the children wards, are in her daughter's custody, for whom I have sent a process to deliver them. . . . The wardship, if it may be found, is granted unto me, but I sought it more for the preservation of the infants and their estates than for any other end, being much moved to see the son of a friend, a ward, so long bred up in the true religion, should be in such a way perverted." I know that I shall have your assistance in clearing the truth. *Draft.* ¾ *p.*

LORD DEPUTY WENTWORTH and others.

1637[-8], January 24. Dublin Castle.—Order by the Lord Deputy and other Commissioners for remedy of defective titles, that Francis Fleetwood "shall have from his Majesty by new letters patent under the great seal of the realm a good and sufficient estate of all and singular the premises" as given in a schedule attached; the castles, town lands, &c., of Ballyderraowen and Glanceskine to be held of the Crown as of the Castle of Dublin in free and common soccage, and those of Cloghleigh, Killure, *alias* Killore or Killworth, Barnefolly, Killcloghie and Ballycarrigie to be held *in capite* by knight's service, with payment of an annual rent of 14*l.* to the King; the whole to be erected into one entire manor and called the manor of Fleetwood "With a court leet, view of frank pledge, and a court in the nature of a court barron." With provisoes that the said Francis Fleetwood shall sow yearly five acres of hemp or flax; shall within two years, settle four freeholders of English birth or descent, besides himself, upon the estate, assigning to each land worth 10*l.* per annum, and shall likewise have continually upon the premises ten other families of English birth and descent. He

* This is curious, as no daughter Elizabeth appears in the list of Sir Philip's children.

is also to maintain continually two horsemen and eight footmen with horses and arms, and if he should alienate any part of the estate "in fee simple, fee tail or any greater estate than three lives or forty years and that in possession to any person or persons of the mere Irish, not descended of an original British ancestor of name and blood," it shall be lawful for the King to enter into and receive the profits so long as the estate is thus alienated. *Signed by* Lord Deputy Wentworth, Robert Lord Dillon, Sir Adam Loftus, Sir Gerard Lowther, Sir Charles Coote, Sir Robert Meredith and James Cusyk [*i.e.* Cusack]. 3 *pp.*

SIR HARDRESS WALLER to SIR PHILIP PERCIVALLE.

1637[-8], January 25. Castlet[own].—I have got John Fox to deliver up to my cousin Hart all writings which may tend to the finding of my brother Casey's children heirs, "wherein his widow, my sister, might be in some danger were she not in some hopes to fall into your hands, where I shall conclude her as safe as with any son of man." I beg you to do nothing until she knows how to make her address to you, which you may please to impart to this bearer. 1 *p.*

SIR PHILIP PERCIVALLE and HENRY HARTE, to the SHERIFF of co. Limerick.

1637[-8], February 1.—Precept requiring him to summon a jury of forty-eight sufficient freeholders to appear at the town of Killmallock on the 12th inst., in order to the finding of offices for the King, and also ordering him to warn certain heirs, farmers, occupiers, &c., to attend, and to bring their writings and evidences. *Signed.* 1 *p.*

SIR PHILIP PERCIVALLE to SIR RICHARD BOLTON, Lord Chief Baron of the Exchequer.

1637[-8], March 2.—Covenanting to give up to him upon demand the wardship of Thomas Butler of Bealaborrowe, co. Wexford. ¾ *p.*

CHARLES I. to SIR PHILIP PERCIVALLE.

1637[-8] March 13.—Letters patents, granting him the manor of Liscarrol, co. Cork, including the castles, towns, lands, &c., of Liscarrol, Coolebane, Lackyroe, Knockbarry, Dromeicher, Ballynemoddagh, Rathclare, Killigillane, Rathare, Farrenibeggy, Bowhane, Ballyvulpecke, Ballymacowe, Farrendine, Ballygreasa, Dromcarbid, Downedeady, Donowre, and Ballyhollybert. *Copy.* 7 *pp.*

EARL OF ORMOND and OSSORY to SIR PHILIP PERCIVALL.

1638, April 1. Thurles.—You wrote to me once about a farm of my brother's called Doneskegh. It is now to be let for

twenty-one years, at 200*l.* a year, but out of this they will allow for what they will lose by plantation. It is but six hundred and sixty plantation acres, but they assure me it is profitable land.

"If the land were my own, I could tell how to deal with one I so much respect, but as it is, to give you notice of the setting of it is all the service can be done you by your affectionate friend and servant." *Holograph.* 1 *p.*

WILLIAM ROULLES to SIR PHILIP PERCIVALL.

1638, May 6.—Recommending the bearer, who has been ruined by Mr. Allon and Allon of Oughterard, because he published the truth about their concealment of the Earl of Ormond's lands. 1 *p.*

Endorsed by Percivall. "Mr. Roles, touching Edmund Blanow."

Annexed,

Memorandum concerning the enclosing of some of the Earl's land by Henry Allon and Richard Allon. ¾ *p.*

SIR JAMES WARE and SIR PHILIP PERCIVALLE to the COUNCIL.

1638, May 20.—They humbly offer to their Lordships: "That the draft made for granting licences for this year may be perused and such order taken therein as shall be fit:

"That the citizens of Dublin pretend by their Charter to have power to grant licences for wine and aqua-vitæ, and that they have also power under the Earl of Carlisle [to be] rent-free. They have been summoned, but neglect to compound, and the foreigners are suitors that the citizens may not be admitted, but that themselves may have licences apart, which is also considerable in divers other cities and towns corporate:

"That Mr. John Coman procured letters patents for granting of licences in the most part of the counties of Galway, Mayo and Roscommon, whereupon to several particular men he made assignments, but for many years hath paid no rent. Mr. John Paulet had an estate from Sir Samuel Smith and George Richards of the wine licence for the whole county of Mayo, except Tyrawly, at 6*l.* 13*s.* 4*d.* per annum, but hath paid no rent for it, since he was disturbed therein by Sir Frederick Hamilton, who procured an estate from Sir James Hay in the two counties of Mayo and Sligo at a far greater rent, viz.: 120*l.* per annum, had possession of part and paid his rent for a time. Now none appears for Sir Frederick, neither doth John Coman appear, but several of their assignees and divers others are suitors for the same, wherein we humbly crave your direction what course to hold:

"That divers who have sent up their licences and former pretended grants do not move at all for any new estates, nor offer any augmentation of rent, and for parcels of the same others are suitors, wherein we humbly crave your lordships' direction." [*In Percivall's writing.*] ¾ *p.*

Endorsed. "Propositions, 20 May, 1638."

GEORGE COURTENAY to his "truly respected, loving servant," MORRIS PURDOME.

Before June, 1638.—The last of your three letters received is very "quailing," if it be *re vera* as you write. It is strange that Sir William Poure should oppose me. "God knows he hath small reason or right, but I see this world is made of nothing but wickedness and I would I were out of it, for I take no comfort in it. Your last postscript of Sir Henry Pierce is somewhat mystical to me, in the thrusting out of doors by the Commissioners, except you have overthrown him. As for other adversaries, I wonder why I should have so many, finding myself so innocent for deserving it of any, but the more we are pressed, I hope in time we shall the better spread and flourish, when all storms have made their end."

"About your letter E.," I cannot tell why Sir Phillip Percivall should be so angry when, if he knew my innocence, he would rather pity me for being so trampled on by base and villianous rogues. I did not bring her here and have only seen her the one time you know of, and so I told the avaricious Bishop, "but I think his instigating of Sir Philip is through the malice of the Welsh blood."* If you could but get me leave for England, I would soon bid Ireland adieu, for I am weary of it. "Will and myself are so deeply out of clothes as we have none to our backs, wherefore I would have you to make us each a suit, but not of stuffs, for I cannot abide them. Let Will's be a handsome holiday suit, with a cloak, and lined as the fashion with taffety or somewhat you see fittest for gentry; and let mine be good cloth with the like handsome lining of what the tailor thinks best, but let it not be heavy." Your rents come in slowly. I wonder that, being with Sir Francis Willoughby, you have never told me what to do with his. I have sent to Sir Richard Southwell, but he has no authority.

Postscript. Entreat Sir Philip Percivall not to be offended with me without cause, and let not the "toberkowe" Bishop be too much believed, for he is both vain-glorious and false. 1½ *pp. Seal of arms.*

Endorsed. "Cousin Courteny to Morris Purdom. Received in the pocket of his hose [apparently after his death], 9 June, 1638."

SIR PHILIP PERCIVALLE to his cousin COURTENAY.

1638, June 6.—My cousin, Morris Purdon, is still very ill. I dare not go to see him "being very doubtful of that disease, whereof I buried my second son† but the last week." You must comfort his wife and friends. I have caused Ned Smyth to draw his will, and to take your account. If you suffer this loss you must bear it as you have done greater. God's will must be done in all things.

*Probably Lancelot Bulkeley, Archbishop of Dublin. The only other Welshman was Lewis Jones, Bishop of Killaloe, an old man.

† Richard, then six years old. *See p. 124 below.*

When I was last at Killmallock, the jury found a mortgage by Thos. Casy of the lands of Rathmoore to Henry Casy for 320*l.* The wardship of the heirs being granted to me, I have this day paid the money, which must be certified, to fortify the title of the children. I send you a commission and also Henry Casy's acquittal, a diminicle ready drawn for the jury, and a warrant for a jury to be called, which (having filled in a day) you must send to the sheriff. I have done my best for you to have the disposal of the wine and aqua vitæ at Newcastle, upon the terms formerly paid. Let me know if that is too much, and we will try to amend it. *Draft.* 2 *pp.*

The enclosure:

The acquittal above-mentioned. Signed and witnessed. June 6, 1638. 1 *p.*

Sir Hardress Waller to Sir Philip Percivalle.

1638, July 11. Newcastle.—Thanks him for his assistance in Lady Dowdall's business, and also in that of his poor sister Casie, who desires pardon for sending for her child without applying to Sir Philip, her excuse being that the wardship was (as they heard) undetermined, and the child suffering much through the neglect of greedy executors. 1 *p.*

Court of Wards.

1638, July 12. Court of Wards.—Order for the appearance of Bridget Casey, widow, John O'Heyne of Rathmore, Donogh O'Heyne of the same, Morrish Casey of Rathcannon, Connor Clovane, Edward O'Henchie of Uregare and Teige Casey of Ballygaddy, co. Limerick, to make answer to an information exhibited by the Attorney of the Court at the relation of Sir Philip Percivall. *Signed by* Sir William Parsons, (Master) Nicholas Loftus and Sir Philip Percivalle. ¾ *p.*

Endorsed. "Process for Thomas Casy's tenants" *and also with dates of the service of the process upon most of the above named.*

Lewes Walshe to Sir Philip Percivall.

1638, July 16. Carrigtochir.—Has taken up the hawk given to Sir Philip by Mr. Connor and Teige O'Mullryan, because the Lord of Brittas claimed it on behalf of the Earl of Ormond and had determined to send a company to take it, although four lusty fellows watched the eyrie night and day. He thanks God it is a goshawk, and begs direction what to do with it. 1 *p.*

Court of Wards.

1638, July 16.—Order in the Court of Wards and Liveries that the office taken at Newcastle, co. Limerick, on July 10 last, after the death of Thomas Casey of Rathcannon, Esq., touching

the redemption of the lands of Rathmore, or a copy of it, be given to the Lord Chief Baron of the Exchequer, Attorney of the Court, that he may certify what his Majesty is entitled to thereby.

Underwritten. Certificate, signed by Sir Richard Bolton, that the King is entitled to the wardship, and to the profits from June last during the nonage of the co-heirs. Dated July 18, 1638. 1 *p.*

1638, July 19. Court of Wards.—Order for the appearance of Sir Hardress Waller, William Conin, John Bourcke, Dame Elizabeth Dowdall and John Fox next Michaelmas term, bringing with them all writings concerning Thomas Casey's estate. *Signed by Sir William Parsons, Nicholas Loftus and Sir Philip Percivalle.*

SIR PHILIP PERCIVALLE and SIR HARDRESS WALLER.

1638, August 20.—Indenture between Sir Philip Percivalle, guardian of Ann Casy, and Bridget Casy, widow, of the one part, and Sir Hardress Waller of Castletowne, co. Limerick of the other part; granting a lease of the castle, manor, town and lands of Rathcannon to Sir Hardress during Anne Casy's minority, for which he covenants to pay yearly 250*l.*, viz.: 6*l.* to Sir Philip Percivalle, 6*l.* to the Earl of Kildare, 210*l.* to Bridget, widow of Thomas Casy, and 28*l.* in building and enclosing. *Signed and sealed by Waller.* 1 *p.*

SIR PHILIP PERCIVALLE and THOMAS LYSAGHT, M.A.

1638, August 25.—Indented counterpart of the lease of the moiety of the parsonage or rectory of Uregare, co. Limerick, for thirteen years (*i.e.* during the minority of Anne Casey) at a rent of 25*l.* per annum. *Signed and sealed.* 1 *p.*

Same date. Bond in 100*l. for the performance of the conditions of the above lease. Signed by Thos. Lysaght and Robert Lylles, and sealed.*

SIR PHILIP PERCIVALLE and THEOBALD BOURKE, of Ballynegard, co. Limerick.

1638, August 25.—Like deed for the estate of Rathmore, co. Limerick. Rent 133*l.* 6*s.* 8*d.* *Signed and sealed.* 1 *sheet.*

Same date. Bond in 50*l. for the resignation of the premises at the end of the term by Bourke, as also that no claim shall be made on them by John O'Heyne, who had a lease thereof from Thomas Casey. Signed and sealed.*

SIR PHILIP PERCIVALLE and JOHN FOX of Ballyrenoge.

1638, August 25.—Indenture by which John Fox, esquire, (husband of Joane Casy, sister of the late Thomas Casey, and next heir of her niece Anne), covenants to repay to Sir Philip

Percivall (guardian of Anne Casey, who by the late death of her sister Joan is now Thomas Casey's sole heir), his disbursements during the wardship and the 320*l.* paid by him in redemption of Henry Casey's mortgage, in the event of the said Anne dying before she comes of age. 1¼ *pp.*

GALWAY COMMISSION.

1638, August 30.—Notes by Sir Philip Percivalle. "The Commissioners met at Loghreogh—Sir Fras. Willoughby, knt., deputy Lieutenant-governor, Sir Philip Percivalle, knt., Richard Parsons, Esq., Andrew Darcy, Esq., and John Johnson, clerk.

"The work was to distinguish each man's possession in the county and county of the town of Gallway, and to express the names and quantities, and into what baronies and parishes the same extend.

"To enquire of all purchases since May 1st, I. Car., which made the work much the more difficult, and made the people the more amazed, looking back so far beyond the intention or example of taking advantage.

"To enquire upon [what] towns or villages the parish churches do stand.

"To enquire what buildings or improvements have been made on any lands.

"To enquire what lands are held as abbey lands.

"To see the survey upon this Commission may agree fully according [to] the truth with the books of measurement, or, as there shall be cause, to alter or correct the copies of the measurers' books sent with the Commission.

"30 August. We agreed with Anthony Simpson for our diet to keep the house, paying half a crown a day for each, come or come not, (besides wine) and the same rate for strangers, which cost near 20*l.* per week besides horse meat.

"Sir Francis Willoughby's occasions brought him oft to Gallway, so that during our being eight Sundays at Loghreogh, he was but one Sunday with us.

"Mr. Parsons and Mr. Johnson kept above stairs, with divers clerks, examining and comparing the particulars, as they passed judgment below, with the books of the measurers, &c., wherein they took very great pains in exact examination and casting of the particulars. Mr. Darcy only sat with Sir Philip Percivalle upon the ordering and judging of the whole business, so as all ill-will and hazards of all sorts, of body and mind, reflected on Sir Philip Percivalle, and also all the labour of reading, writing, perusing of evidences, examining witnesses; twelve hours in a day commonly being spent at that work, Mr. Darcy being a good assistant where the parties could not speak English.

"We found the measurers' books extremely false, which did much intricate the work; many lands mistaken, many miswritten and many were wholly omitted." [*Instances given.*]

"The county is very great, and the freeholders many, therefore the work great; thirteen baronies, parishes near a hundred; and

if the resolution hold of taking half from the natives, and all under 134 acres for fraction, there will not [be] one fifth of the whole will remain to the natives, which will be very hard, lands being now become of great yearly value, and twenty families living well in some places on less than a hundred and thirty-four acres, and many having planted and builded very industriously.

"At the first, the Earl of Clanrickard's officers and divers great men held back and were unprovided, but afterwards such as came not in, or were notoriously faulty in putting in (upon oath) as many did, the lands of their men for their own, and those for the most part intended to conceal fractions, although in some cases the lands of brother, nephew or neighbours were inserted, upon examination or proof the delinquents were committed to the gentleman porter's ward, and it was by me declared that they should be sent to the Lord Deputy and Council in the Star-Chamber. And observing that course strictly with men of all sorts, they became more wary, and yet, to the last, some transgressed that way.

"One of the first that was committed was Jonack Bourke, Esq., cousin german to the last Earl of Clanrickard by the mother's side. Afterwards Redmund Bourcke, Esq., son and heir-apparent of Ed[mund] Bourcke, Esq,, the only brother alive of the last Earl, and one between whom and the Earldom there is not any male as yet; his remaining ten days in restraint with Jonack Bourke and divers other gentlemen of good quality and estimation, gave great occasion of consideration. Half the company under the command of Sir Francis Willoughby attended before, and now the rest were sent for and a resolute course held, whereby the business succeeded the better, and yet some of the most wilful offenders kept in restraint till the work finished, for the better example to others.

"After all which, before we left the place, by the help of many hands, whereof five I brought with me, we made [a] perfect book, column wise, of the names and quantities of all lands and of the names of the owners and proprietors in each parish and barony and brought those to agree with the measurers' books, so as at last we had all the names and lands in the measurers' books and more, and discovered near five hundred freeholders more than the measurers had; named each man with addition of father and grandfather, marked every church, castle, whole or broken, with several marks, every mill, every abbey, all church land and college land, as near as possibly we could be informed, and expressed the dates and effects of all purchases and mortgages whatsoever made within fourteen years past." 2¾ *pp.*

William Dobbins to Sir Philip Percivall.

1638, September 20. Dublin.—The letters of the Lord Deputy, Lord Chief Baron, and Master of the Wards were all sent last Monday by the post.

Concerning Castlewarning affairs, Dongan has at last sealed his bond, with much ado, Walter Ellis and William Leland being his sureties.

I know it is high time to begin to sow, especially the low moist land with meslon.* We cannot sow any beere* before Monday, as all the hay is not stacked yet and Anthony has gone with the carts to Mr. Jones, for timber for the church and wattles for hurdles. Allon of Oughterard will not give leave for the mason to dig a few slates for the church without payment from the parish, so I am letting them have some from your quarry, which will do no great harm, especially as my lady gave Mrs. Aylmore leave to dig some for her house. She wanted also to borrow a thousand bricks, but those I denied without your especial directions, because of breaking the heap, which I have ordered to be kept covered with faggots of fir. Please say whether Dongan shall begin ditching (having first done all needful trenching) next to Oughterard, or elsewhere. He promises to set no quicks but such as he buys himself, which he undertakes shall grow. When Sir William Parsons dined here with my lady, he promised me some springs of plums and cherries and the like, and gave me very exact directions about quicksets and trenching. He says this would be a fine seat if well-watered, which I think would be easily done by turning the mill-stream near Templeduffe. Enough hay has been brought home for two stacks and a rick at Castlewarning and there is still enough out to make two ricks, if we can get weather. [Further details about planting and stock.] 2 *pp.*

Sir Philip Percivalle to John Barry.

1638, December 29.—I rejoice to hear of your safe return to England, after so many perils on land and sea. I gather that you have written me many letters, but I have only received three. The first, dated at Dover, August 10, came to me at Loghreogh, where I was engaged in a commission for distinguishing each man's possessions in those parts, which held me from August till November; the second, dated Nov. 22 was delivered me on Christmas eve by one Farrell, of co. Longford, and the third, dated Nov. 13, arrived on the 26th inst. by the common post.

The first was only to tell me you were then going to sea, without any advertisement of when you intended to return, or where a letter would reach you, and the others I have only just received, so I hope you will excuse me for not writing. Your letters treat chiefly of the affairs of Scotland, and of your desire to serve the King in some command here, but for the forces to be raised here, the commanders of the horse were chosen before the date of your last letters, there being but two or three new troops raised; and there are no new companies of foot raised, but only five hundred men taken equally out of all the companies and five of the old captains taken to command them, whereof Sir Francis Willoughby is colonel, Sir Arthur Blundell lieut.-colonel, Sir Henry Tichborne serjeant major, and the other two captains, Capt. Wenman and Capt. Blunt.

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* "Meslin," mixed corn; "beere," a kind of barley.

They are to continue their own companies and entertainments and to be rewarded in some other way for their extraordinary labour. Whither they are to march or when is yet uncertain. The Lord Deputy takes great pains with them and exercises them daily. I am sorry that the Scotch business is so far from being quieted. When your letters came, your cousin, Mr. James Dillon, and your friend Lord Digby were at dinner with me, so I delivered your letters to Mr. Dillon and advised with Lord Digby.*

I will send your letter to the Earl of Ormond to-morrow, and will do my utmost to serve you here, so far as I can. If this reach you in the west country, pray give my service to the Earls of Cork and Barrymore and Lord Dungarvan. *Draft.* 4 *pp. Dated the* 28*th, but endorsed by Sir Philip, Dec.* 29*th.*

JOHN BARRY to SIR PHILIP PERCIVALL.

1638[-9], Jauuary 19. Stalbridge.—I received your letter of the 29th December two days ago, and hope others will follow, for I count myself in nothing so happy as in your correspondence. "The contents of my former letters I gladly would prosecute, if you thought there were any likelihood of new levies to be made, which I heartily wish you may have none, nor any occasion to use them, for although my ambition be as great as any to serve his Majesty, yet I take God to witness there's none considers any self ends in it (in respect of the general good) less than I do. My lord Marquis [Hamilton], from whom we all expected the certain event of this business, is now returned, but whether he brought peace or war to us nobody knows but the King. Next week it's thought he will declare himself. Some have suspected the marquis his faithfulness in the managing of this business, but there is little appearance of it in the King's using of him, for I hear he was received with much honour." I thank you for letting Sir Thomas Wharton have the hawk, which is one more added to the many kindnesses you have done me. Lord Dungarvan and Lord Barrymore present their service to you.

Endorsed by Percivall as received "by Sir Thos. Wharton" *on March* 7. 1½ *pp.*

SIR PHILIP PERCIVALLE to [JAMES PERCIVALLE of Weston].

1638[-9], Jan. 20. Dublin.—Complaining of Mr. Baber's neglect of his business. Prays his cousin to bestow what surplus there may be from rents in the purchase of old cheese of the country (which as he remembers is called Cheddar cheese), the supply from Chester being stopped. Also he wishes for a supply of young elm plants. 1 *p.*

SIR PHILIP PERCIVALLE to the EARL OF THOMOND.

1638[-9], March 6. Dublin.—Begs to remind his lordship (who has now obtained a decree for the lease of Killmore) of his

* This last sentence is cancelled.

promise, made at his lodgings in Castle Street, to allow him (Percivall) to continue tenant there. He has hitherto only paid 60*l.* rent, but as his lordship has to pay so much to the Archbishop, he is willing to offer some increase, believing the true value, if set to a stranger, to be 80*l.* or 100*l.* per annum. *Draft.* 1 *p.*

SIR JAMES WARE and SIR PHILIP PERCIVALLE to JOHN LOGHLIN.

1639, May 16.—Indenture granting to John Loghlin of Dublin, gent., the "sole power of licensing, of selling and retailing of wine and aquavitæ in the baronies of Orrery, Killmore and [D]owalloe, co. Cork" for one year from Easter last. *Signed and sealed.* 1 *sheet.*

THEOBALD BUTLER to SIR PHILIP PERSEVALL.

1639, July 4. Kildeligie.—Stating that in his time at Downeskeagh the tax for the repairing of the church at Ballintample came to the sum of 6*l.*, which he paid to his father-in-law, Mr. Philip O'Dwyre. If anything more fall due upon the same, he will be ready to discharge it. ½ *p.*

SIR EDWARD DENNY to SIR PHILIP PERCIVALL.

1639, August 5. Traley.—"I do find by the carriage of a business so hardly against me in the Court of Wards, that you were pleased earnestly to express yourself to my prejudice, whereby no favour at all was extended to me. I have examined myself what particular act I had done that should give you cause to use me thus, but I can find none, therefore I hope, as you are a gentleman, you will let me know your reasons for pressing thus against me, and if I cannot give satisfaction by clearing myself, I deserve the continuance of your ill-will; if I can, I hope you will show yourself as ready to assist me in just occasions as you have, in this particular between me and Traunt, brought trouble upon me." The land of Killene (of which Traunt has been proved to die seised) most certainly belongs to my great castle in Traley and was quietly in my grandfather's possession till the rebellion, and I can prove that it was granted to me by patent in soccage tenure and that William Traunt was drowned after I was possessed of the land. I pay, upon my new composition, a great rent to the King and hoped to have found a little favour in that respect. All that I ask is that my English tenant, who is a tanner, may be left in possession until the affair is settled. ½ *p.*

SIR PHILIP PERCIVALLE to SIR EDWARD DENNY.

1639, August 12. Dublin.—"By your letter of the fifth of this month, which this day came to my hands, you are pleased to charge me that I have earnestly expressed myself to your prejudice; to require from me, as I am a gentleman, to show my

reasons how you gave me cause to use you thus, to press so hard against you and bring trouble upon you. I confess at the reading of your letter I wondered extremely at it, and had it not been all your own handwriting, I should not have believed the subscription to be yours, but now I find it yours, though I was at first something moved to find such a challenge of unkindness when I deserved nothing less, and cannot but resent it, yet I may not depart so far from that right which I owe myself, or from the respect and civility due to a gentleman, as to leave him unsatisfied if reason or truth may do it."

As to the business of Killene, I protest before God that I know nothing of it except that when your counsel moved to stop the office, the Court desired to know of me what had formerly passed, whereon I viewed the proceedings and reported, as in duty bound, that when the office was formerly stayed for you to produce evidence, you failed to do so. "And this I did without thought or desire to prejudice you, and if it be an offence to tell the truth of my knowledge in my place, being by the judge required, it is such an offence as I hope in all things I shall still be guilty of and not repent. But if when you have recollected yourself, you find it in right judgment no offence, then, Sir, I hope as you are a gentleman, you will ordain me such reparation from yourself as may be just and equal for your so forward inclining to believe a misreport of your loving friend and humble servant." 1 *p.*

EDMUND PERCIVALL to his cousin, SIR PHILIP PERCIVALL.

1639, August 24. Ringwood.—Recommending one Edward Jacob, formerly servant to the late Sir William Doddington, who desires employment in Ireland as shepherd to some gentleman of worth. The Irish air will probably make him as able a servant as Stokes has proved, and he is no needy fellow, but has money in his purse. 1½ *pp.*

SIR PHILIP PERCIVALLE to WILLIAM GILBERT.

1639, September 27. Donreyle.—By order of the Lord Deputy and Council, a commission has been directed to the Lord President [of Munster] and himself, to enquire of the King's title to the lands on the Thomond side of Limerick bridge, in the county of the city of Limerick; wherefore, understanding that Gilbert has had these lands measured, he begs for a note with the names and particulars of them. He also prays that Mr. Thos. Kelly, who the last year measured some of his lands, may be spared for a few days to do it over again, as the tenants complain that they are over-charged a fourth part at least, and demand allowance, "as is most just if their measure be right." *Copy.* 1½ *pp.*

WILLIAM GILBERTE to SIR PHILIP PERCIVALL at Doneraile.

1639, September 30. Thurles.—Can give no light concerning the lands of the county of the city of Limerick, for on sending to ask

if he might include them when he took the measurements of co. Clare (they lying within it), the Lord Deputy answered that if the city would give way they might be surveyed, but if not they must let it alone. The Mayor and Aldermen of Limerick utterly refused, and would not so much as have the land named together with Clare or Thomond, whereupon they had to leave it out "and have yet an hiatum and empty place in the map of the county." Thomas Kelly shall be sent to wait upon his honour with all speed. 1 *p.* *Seal with device.*

SIR WILLIAM ST. LEGER and SIR PHILIP PERCIVALLE to the LORDS JUSTICES, &c.

1639, October 1. Downerayle.—State that, having received his Majesty's commission to enquire of his title to the lands in the county of the city of Limerick, lying on Thomond side of the bridge, they are informed that these lands "lie within the ancient franchises of the city of Limerick, granted by King John's charter, and are accordingly enjoyed by particular freeholders pretending to derive under that charter, and that the same are not added by the new charter whereby the city became a county." Pray directions how to proceed in the matter. *Draft.* 1 *p.*

EDMOND PERCIVALL to SIR PHILIP PERCIVALL.

1639, October 4.—Requests advice concerning his son Samuel, who is now a very good scholar, but whom he does not wish to send to the University, as "the times are such that he may be drawn either to looseness of life or error of doctrine, or at least bend himself to the study of divinity," which "for some reasons" his father has no inclination for. Asks if Sir Philip will take him under his protection and train him up as he thinks best, in which case he might lodge and diet with his sister and brother [in law] Dobbins. Has surrendered his escheatorship to his son Dobbins, but has not yet received the 100*l.* promised him by this latter for doing so. 2 *pp.*

SIR WILLIAM PARSONS to SIR PHILIP PERCIVALL.

1639, October 7.—The Lords Justices approve of your pausing in the proceedings as regards the Limerick lands, but wish you to inform yourself as well as you can of their state and quantity, and also to try to get a copy of their ancient charter and grant. If you cannot, and if the thing proves to be worth the labour, we must get it here or in England if we can. Touching my business of Everard, I must leave it to you to secure the money, and as regards Gookin's wardship, I pray your direction to Thomas Skiddy both for the composition and for the body of the ward.

"No news is yet come out of England, but here is great whispering of the Lord Chancellor's [Loftus'] favour amongst the Lords. God send us a good issue, and a return of our Deputy [Wentworth] to finish the works in hand."

Postscript. "You may do well to colour your not proceeding at Limerick by some accident, lest it might stir a buzz in the people's minds." 1 *p.* *Seal of arms.*

LORDS JUSTICES and COUNCIL to SIR WILLIAM ST. LEGER and SIR PHILIP PERCIVALL.

1639, October 7. Dublin Castle.—Ordering them not to proceed in the enquiry concerning the Limerick lands.

Signed by Robert Lord Dillon and Sir Chris. Wandesford (Lords Justices), Lord Valentia, Sir Adam Loftus, Sir William Parsons, Sir John Borlase, and Sir Thos. Rotherham; also by Sir Paul Davys, clerk of the Council. 1½ *pp.*

JAMES PARSYVALL to SIR PHILIP PARSYVALL.

1639, November 6. Weston.—I do not think it would be safe to deal for Mr. Winter's land in Weston, "as it is holden of the honor of Salisbury, and hath done his fealty, which of necessity must produce wardship, which I perceive you like not, and if I am truly informed, he hath given a price to the great moguls of Bristol." As to my motion, I wished my cousin Parsyvall but to touch it, as a means to "corrobate our former kindred." 1 *p.*

Endorsed by Sir Philip. "Cousin Parsivalle . . . his son offered for a match."

EDMOND PERCIVALL to SIR PHILIP PERCIVALL.

1639, December 1.—I have heard of my son Dobbin's son and heir, who I pray God may give him comfort. I asked you in my last to take my son Samuel and train him as a clerk. "He is an excellent good scholar for his Latin tongue . . . and he is, although I say it, a very honest and an ingenious boy." I would allow 10*l.* a year for his clothes, and the same for his diet. He would live with his sister, who, for that, might diet him well enough. As for Cheddar cheese and elms, you had better deal with your tenant, Mr. Dampire, who has an agent always roving through Somersetshire, and could easily procure the plants from Burton and send them to Minehead. If Samuel comes to Ireland, I shall bring him over, and peradventure lay my bones there, for I love it better than any place in the world. My eyesight fails me very much. 2½ *pp.*

NICHOLAS PHILPOT to SIR PHILIP PERSIVALL.

1639, December 20. Ballymakowe.—I thank you for your kind offer to try to get me excused from serving as High Sheriff, which you rightly believe would be prejudicial to me. I conceive that some one has procured the signing of the warrant in order to make gain by composition for its recall, which however I hope will not be much, as you have taken the matter in hand. Mr. Cnoher O'Callohan tells me that you asked whether Mr. Burnham and I were reconciled. I was never at enmity with him, but to abate his towards me, I got a friend to send him to

my chamber at Donaraile, when he desired me to give him some pawns which my servants had taken for the redemption of his cattle, trespassing upon Clarny lands. As they were household stuff and I wished to mollify him, I said that if his wife sent for them, she should have them, whereupon, in his blunt way, he desired some free ploughing at Dromdowny. To this I answered that "I should forbear heaping of courtesies upon him until he had made me some acknowledgment he had done me wrong in traducing me before my Lord President and yourself. This answer made him depart from me with as sad a countenance as the young man in the Gospel did when our Saviour bid him sell what he had and give to the poor." 2¼ *pp.*

Sir Philip Percivalle.

1639.—A note [by himself] of grants in which Sir Philip is interested from the Court of Wards, comprising the wardships of—

James FitzGerald of Ballyogerty, co. Waterford.

The heir of Callaghane McTeige Carty of Tullagh in Muskery, co. Cork.

The daughters and co-heirs of Wm. Wiseman, Esq., co. Cork.

Francis Fleetwood, son and heir of Thomas Fleetwood of Ballyderraowen, Esq., co. Cork.

Connor O'Dwyre, grandson and heir of Connor O'Dwyre of Ballagh, co. Tipperary.

Anne Casey, sole daughter and heir of Thomas Casey of Rathcannon, co. Limerick.

The heir of Edmund Harbert of Cather Meihill, co. Limerick.

Also the intrusions of—

O'Loghlyn of Muckinis and O'Loghlen of Gragganes, co. Clare, suspended by the Graces of 1628, and Daniel O'Byren of Carriggoginell, co. Limerick. 1½ *p.*

Richard Nugent to Sir Philip Percivall.

1639[-40], January 13. Killmihill.—Wrote last May to ask on behalf of his brother William Nugent—whose wife is Ellen Roch, grandchild of William Roch—that a commission might be issued to enquire what lands Wm. Roch died seised of, and who is his heir. The commission was issued, but was by mistake directed to co. Cork instead of co. Waterford. Begs that this may be rectified, and the process sent to himself, to be shown to Garrett Roch, the now occupier of the land. 1 *p.*

Annexed. The Case.

"*William Roch, seised in fee of the half ploughland of Ballyfinchoge and the half ploughland of Gortglafallye, had issue by his now wife, viz.: John, Garrett and David. John had issue William and Ellen, John dieth and his son William dieth without heir. And William Roch the grandfather dieth. Now there is no question but the land ought to descend to Ellen unless there be some unknown entail. The*

best way is forthwith to procure a commission to enquire what lands the said William the grandfather died seised of and who is his heir. Richard Fisser." *Certified copy.* ½ *p.*

JOHN HODDER to his master, SIR PHILIP PERCIVALL.

1639[-40], February 6.—Concerning tenants, felling of timber and building operations on the Liscarrol estate. He and Mr. Bettesworth have met about the business of Liscarrol church, and when it is done will send an account of it. His cousin John Preston's ship has been cast away upon the rocks near Galway by the pilot's fault. They are going to sue the town for the money, and make no doubt but it will be recovered. His cousin's own loss amounted to 2,000*l.* He had the worth of 150*l.* in cotton aboard, and might have had so much for it at Limerick, but the customers would not suffer him to land it there. 4 *pp.*

NICHOLAS KEARNEY to SIR PHILIP PERCIVALL.

1639[-40], March 12. Killmallock.—Requesting that his cousin, John Creagh Fitz Henry, may have a lease of the licence to "sell and still" aquavitæ and wine in the parish of Landrome. ¾ *p.*

SIR PHILIP PERCIVALLE.

1640, April 1.—Assignment to Sir William Usher, Sir Paul Davies, Richard Fitzgerald and Edmond Smyth, of a house on the Merchants' Quay (wherein Sir Philip now dwelleth), a house in Bridge Street (lately occupied by Ald. Nicholas Weston, deceased), and houses in Pipe Street or Cook Street, Winetavern Street, on the Wood Quay and near the Hoggin Green, all in the city of Dublin; also of the manor, towns, and lands of Liscarroll, and the towns and lands of Ballymacowe, Ballygreasie, Baltydonell, Ballintlea and Derryrawne, co. Cork; Piltowne, Monotteris, Listenan, Kilmalooes and Knocknegeragh, co. Waterford; Clonerosse, Fana, Ballagh, Killmore, Ballypearce, Clonolta, Downeskeagh, Shripstowne, Lismortagh and Rathmoly, co. Tipperary, and all other lands, &c. of which Sir Philip is possessed; also of his silver plate, money, jewels, debts, credits, linen, woollen, household stuff, utensils, horses, oxen, cows, sheep, cattle, goods and chattels, to have and to hold in trust for the uses hereafter expressed, viz.: the estates in co. Tipperary in trust for Arthur Percivalle, Sir Philip's second [surviving] son, and those in co. Waterford for George, the third [surviving] son, and all the rest to the use of John the eldest son and his lawful heirs male, or for want of issue, successively to Arthur and his heirs and to George and his heirs, or other heirs male of Sir Philip, begotten or to begotten, and for want of all such issue to the executors. With proviso that Sir Philip may by will charge the estates (except those

left to Arthur and George) with provision for his wife and daughters, and also that if he should pass over to Arthur or George estates equal in value to those limited to them here, the above limitation shall be void. *Signed and sealed.* 1 *sheet.*

SIR PHILIP PERCIVALLE to the EARL OF CORK.

1640, April 1. Dublin.—Thanks him for his noble friendship in wishing to acquaint him (by means of Capt. John Barry) with certain words spoken to his prejudice, and prays him—as Capt. Barry has not been able to come to Dublin—to give him particulars concerning the same. *Draft.* 1 *p.*

PHILIP O'DWYRE to SIR PHILIP PERCIVALE.

1640, April 1.—Suggesting a match between Sir Philip's daughter and his own kinsman, the lord of Castleconill, who has a competent estate, independent of the advancement which Percivall would no doubt be able to procure for him. Believes that the young man's uncle, Sir John Browne, means to bring him up as soon as he can, "about some such business, but not this." 1 *p.*

JOHN HODDER to SIR PHILIP PERCIVALL.

1640, April 2.—Long letter concerning the estates in Munster and business affairs. Prays Sir Philip to speak to the lord Bishop of Cashel on behalf of a kinsman, that he may be made a minister, as he is a good scholar, and if he proves a good preacher, the writer will endeavour to get him a living. Also suggests that he should ask the Bishop of Cloyne for a grant of the gift of the living of Liscarroll and Knock-Temple "if Mr. Ellesse should resign it."

Sends the accounts of the church business and complains that Mr. Ellis has not done his half of the work. Has lost a hundred choice ewes, grazing near the castle, by the sanding of the river, and doubts he shall lose "many a more in the rot." Agreed with William O'Shanes to take all that should die at 2*s.* a sheep "for the flesh of them," but he only took the fat ones that died first, and has refused the rest. Asks that his lease of Castle Dod from Mr. Fitzgerald may be sent down. 4 *pp.*

JAMES PARSYVALL to his kinsman, SIR PHILIP PARSYVALL.

1640, May 19. Weston.—Complaining that since it pleased God to take his daughter, he has found strict measure from all the Trenchards, "savoring neither of conscience, equity nor reason." ¾ *p.*

EDMUND PERCIVALL to SIR PHILIP PERCIVALL.

1640, June 6. Crock under Pill.—Has been down to Burton, where "that old carrion Mistress Maudlyn deals most wretchedly with the poor tenants" by distraining upon them unjustly.

The Cheddar cheese and young elm plants shall be sent before Christmas.

Cousin Percivall begs that no more friendship may be shown to Mr. Trenchard of Ireland, his unfortunate son-in-law's brother, as all the brothers deal most cruelly with him, "in extorting at one instant all his daughter's portion from him."

Is forced to send his poor child round the world to reach Dublin, as the kingdom is full of billeted soldiers, who are most wickedly unruly; so has put him in a ship of Bristow bound for Cork, and begs to hear as speedily as possible of his safe arrival. The boy will have to be put to a writing school, as his writing-master has dealt very ill with him. 2 *pp.*

Earl of Ormond to Sir Philip Percivall.

1640, June 13. Kilkenny.—Requesting him to sign the renewal of a bond for 1,000*l.* to the Lord Chief Justice of Common Pleas, and engaging to hold him harmless for doing so. *Holograph.* ¾ *p.*

Sir William St. Leger, Lord President of Munster.

1640, June 15.—Letter of attorney giving Murrogh, Lord Inchiquin, and Sir Philip Percivall full authority to receive moneys and act on his behalf during his absence from Ireland on the King's affairs. *Signed and sealed.* 2½ *pp.*

Edmond Percivall to Sir Philip Percivall.

1640, June 16.—Has shipped his son in the *John* of Bristol, which carries sixteen pieces of ordnance for her defence, and is bound for Cork. If he does not in due time hear of his safe arrival he will think him lost. Both he and his wife are in great hope and doubt until they hear the best or worst. Will give him 200*l.* two years hence, if he live and if "he and Ireland doth fagge," but will say no more till they know whether he is alive or dead. 1 *p.*

The Same to the Same.

1640, June 18.—Avery [the bailiff] has in his hands about five or six pounds, out of which he is to pay the ship-money on your manor, which comes to 13*s.* or thereabouts. "The tenants pays every one of them besides, and this is laid on the manor in regard of the old rents. . . . There is also 40*s.* to be disbursed presently about cleaning the great river called the Ewer, which to you or your tenants' parts will arise to twenty cords, and will cost 2*s.* or 2*s.* 6*d.* the cord at least," but I have told the tenants flatly and plainly that you will not pay a penny more towards cleaning any of the rivers. The profit is theirs and they must bear the burden. My cousin Percivall says that if in earnest you wish to dispose of this estate, he doubts not but he could get you a chapman for it, "which I perceive by him is one Inman, a

most rich clown, that lives within a 'flyt shott' of the manor, and that there is great intimacy between him and my cousin Percivall, for this Inman hath a precious jewel called a daughter, which he will make worth thousands, and you know my cousin Percivall hath a son. What further may happen God knows," but I did not hear this from himself, so if you write to him, take no notice of it. "News here is none good, soldiers are raised out of every county, and, as they say, are for Scotland, but it is much feared otherwise. We live in a most troublesome time, the Lord knows. God be merciful to us and send peace if it be his will." 3¾ *pp.*

JOHN HODDER to SIR PHILIP PERCIVALL.

1640, June 18.—Concerning the estates. Cannot get any powder, and would be glad if Sir Philip could procure him a small barrel from the Master of his Majesty's store, to keep in the house. 2 *pp.*

SIR HARDRESS WALLER.

1640, June 20.—The counterpart of Sir Hardress Waller's lease of Rathcannon during the minority of Anne Casey, for which he engages to pay yearly 210*l.* to Bridget Casey, 6*l.* to the Earl of Kildare, and 6*l.* for the King's rents, and to spend 28*l.* in building, repairing and enclosing. *Signed.* 1 *sheet.*

SIR PHILIP PERCIVALLE to THOMAS BETTESWORTH.

1640, June 26.—Concerning the making of a park at Gortboffiny. Much laments the absence of the good Lord President, who is coming hither to take horse, and prays God "send him safe back with honour and without blows." *Draft.* 1 *p.*

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

[1640, June,] Tuesday. Dublin.—"I did not think it had been possible for a man to have come to this town in the heat of a term and not have found you here, which I may not account amongst the least of my misfortunes, and the rather because I am so straighted in time that I cannot go to you, for on Thursday I must be gone. You see how the case stands with me; if your leisure be better, I shall be very glad of it; if not, I will pray for all health and happiness to you and yours and shall only beg this boon of you, that if your servant should miscarry in this action, you will remember it to those that stay behind how much I was your faithful servant."

Postscript. "I pray present my most humble service to your sweet lady." 1 *p.*

Endorsed by Percivall. "June, 1640. Lord President of Munster at his departure. Received at Castlewarning, and immediately I went to Dublin."

THOMAS BETTESWORTH to SIR PHILIP PERCIVALL.

1640, July 21. Moall[ow].—I wrote to you about ten days since "of an expedient which did relate to the good Lord President about procuring a licence for making of glass from the patentee." My lady asked me two days since if I had your answer, but I find that Mr. Hodder has not yet been able to send your letters. "Your business goes on successfully, and so as undoubtedly you will be the lord of a curious and complete park [at Gortboffiny] before Michaelmas. I beseech you, Sir, be studious about the glass licence, or else there falls to the ground a strong and sublime project, unto which nothing probably can give impediment but the want of a moderate composition. And if such an one may not be had, the lady at Downeraile will be frustrated of a spacious expectation, and I myself also blurrefied, who dare presume to call myself the projector. It is now high time (being past ten) that I wish you and your bountiful lady a good night." 1 *p.*

JAMES POWER.

1640, July 29.—"Apud le Greene juxta Clonmell." Finding of the jury that James Power was seised of and in Coolefine, Darrigall and Killmoyenoge, co. Waterford, containing four ploughlands, value 20*s.* per annum; and of and in Ballymorrish, Ballyphillip, Ballymahify and Gorteslyade, in the said county, containing one ploughland and a half, value 10*s.* per annum, and being so seised, did by deed of March 31, 1586, thereof enfeoff Mathew FitzHarrice of Maghmayne, Aristotle Scurlocke of Codiston, Henry Laffan of Glade, and Richard Meyler of Waterford, merchant, and their heirs, to the use of the said James Power and his heirs male. Also that Fitz Harrice, Scurlocke and Meyler died long since, and that Henry Laffan survived and died. And that ——— Laffan is his son and heir, and within age, as appears by the office taken in co. Wexford, after the death of the said Henry. And lastly that at his death all the premises were and now are held of the King by knight's service *in capite*. *Not signed.* ¾ *p.*

Annexed. Memorandum by Sir Philip Percivall concerning the above James Power, mentioning a deed made by him 20 January, I James, and naming Amy his wife and William his son. 1 *p.*

Captain ROBERT BYRON to SIR PHILIP PERCIVALL.

1640, September 9. Dublin.—Concerning certain moneys, received by his "ensient*" and partly charged upon his lieutenant. Promises to pay Sir Philip what is due to him next term. 1 *p.*

* Ancient or ensign. The spelling is interesting as linking the two terms.

JOHN BARRY to SIR PHILIP PERCIVALL.

1640, September 14. York.—I fear my delay in executing your commission will somewhat prejudice me with you, but as no two of the Commissioners are nearer me than London, and I am in a remote part, almost three hundred miles (*sic*) from thence, attending a troublesome charge where my honour was at stake, I hope you will receive me again into your affections, and make a favourable construction of the delay.

"Sir, if so intelligent a messenger did not carry this letter, I should offer you the best of my knowledge here. The intentions of calling a present parliament, the several petitions of the lords of the south, of the lords and gentlemen of this shire, the contents of them, the high and unusual manner of preferring of them in such a government as ours, how they were received by the State, I refer to the bearer's relation and your own constructions. For the matter of our army and war, I may challenge a little more knowledge than he, as being nearer the proceeding of it all this while. In brief, never was an army drawn into the field with such difficulty, and accordingly have we prospered with them, for after we have them together, I am of opinion we shall as hardly bring them to fight. Here they are as fair a show of an army, I dare boldly say it, as is now afoot in any part of Christendom, but I doubt me they are neither sound at heart nor sensible of the danger that so nearly threatens them, the Scotch daily growing and insulting upon them, their party here still perverse and wilful in their opinions, the King's inability to make resistance, the shame and dishonour (the like no story makes mention of that ever happened to this nation) with which we have quitted Newcastle, Northumberland, and Bishopric, which the Scotch now quietly enjoy, and make them pay large contributions towards their war and tyrannizes over, does not set our judgments right at home, nor will the people hardly believe the Scotch intend them any harm, though, as far as they have come, I do not hear they have made any distinctions of persons or parties, but alike lays their heavy taxes upon all people, bishops and no bishops, papists and puritans, without partiality, to themselves, for that is the thing they consider. The manner of our disorder at Newcastle I will not adventure upon, since it may reflect upon so many persons of quality and the variety of reports they themselves make of it, but, under the rose, very few have acquitted themselves well of it. Some gentlemen and officers did gallantly, some of which are taken prisoners, some other come off, but the town, as I have formerly said, we left; came away with an army of ten thousand foot and a few horse that were not in the former day's defeat; left the King's magazines with a hundred and fifty barrels of powder, lead proportionable, arms for almost a thousand men, infinite store of provision to the value of 20,000*l.* of his Majesty's, besides the town's own store which was much more, twenty or more pieces of ordnance upon the walls ; marched away ourselves in the greatest shame and disorder that ever men did, never turned our

heads until we met my Lord Lieutenant, who has brought us hither, rallied us together, and has made us a very fine army; but, as I have formerly said, I would he could make us very fine hearts, or rather indeed, stout and true hearts, the want of which I pray God he find not if he have occasion to use them. One he has, I am very sure of it, in his service (I would to God I could answer as well for the rest), and that is your very faithful friend and servant."

Postscript. "My Lord Lieutenant had the Garter given him some four days ago." 4 *pp.*

Endorsed by Percivall. "Jack Barry with the deed. The defeat given by the Scotch and the loss by the English sustained. Received 5 October."

EDMOND PERCIVALL to SIR PHILIP PERCIVALL.

1640, September 19. Ringwood.—Your letter of July 3, received on the 27th, was the welcomest I ever had from you. My son had been gone eight weeks, and I infinitely feared that he had been taken by the Turks, who were very busy both on the English and Irish coast at his going out. I heard not of it until after my child was gone, or I would not have adventured him in such danger.

I wish you had told me your price for Burton. "I have set one awork to see whether the manor of Siddenham may be gotten again. If it may, you shall give more than it is worth to have it again, if I might have my will."

"I know, Sir, you expect news out of England, and I believe you want not that that is truer than any I can send you, yet this let me tell you for truth, that we live in as doleful and fearful condition as any nation doth in the world, if God of his great mercy doth not suddenly stop the current of evils now upon us. I have sent my son Dobbins over a petition preferred to his Majesty by some lords of the kingdom,* which will give you a light of some grievances. Here is no money stirring, all things are at a miserable damp and I think he will be most happiest that hath nothing. Every man may write over his own door 'Lord have mercy upon us.'"

Postscript. At Paul's fair, the 25th of January, there will be both Wexford and Dublin barques at Bristow, and then, if not before, I will send you both Cheddar cheese and plants. $1\frac{3}{4}$ *pp.*

WILLIAM BEALE to his master, [SIR PHILIP PERCIVALL].

1640, October 30. Killmallow.—Giving details about stock, &c., and lamenting that Sir Philip is so unfaithfully dealt with by a "pack of knavery. . . . It is enough for to make a man to give off all dealings as to have to do with such persons, that have neither love, conscience, faith nor fidelity." 1 *p.*

* Probably the Petition of the Twelve Peers, presented at York on September 5.

THOMAS KELLY to SIR PHILIP PERCIVALL.

1640, November 15. Alvalane.—Regretting the mistakes in his former measurements, which were entirely due to the base instruments and false scale which he had, and praying to be allowed to mend his own work in the survey of Castlewarning at his proper charges. The country is in such a state that cattle and corn "yields no moneys at any hand." He has a hundred pounds worth of corn and cannot get five pounds for it, so that the only way of turning it into money is to make malt of it and turn it into aquavitæ, which is "more readier" to sell. Begs Sir Philip to help him to procure a licence. 1½ *pp.*

LAURENCE, LORD ESMOND, to SIR PHILIP PERCIVALL.

1640, November 20. Limerbricke.—I have received your letter, and as concerns Mr. Nicholas Mountayne you have your request. He is an honest tenant and no man shall come between him and his desires. As regards Clonowle, it is true that I now hold a third part in right of my wife, "and after some short time the reversion of the whole manor and preceptory. My son Walter Goegh had a lease of my third, which is near expired, and lately he hath put himself to some unnecessary trouble that becomes not such expectation as he might have had from me in a fair way." I am glad to have an occasion when I may express my willingness to serve you, and shall not fail to let you have the lease you desire at such a rent as we shall agree on. Having need of money, I have resolved to pass my fee in that manor, and would rather put it into your hands than any man's. If you like the motion, return me your answer by this bearer. *Signed.* 1 *p.*

Endorsed by Percivall. "Lord Esmond, touching Nicholas Muncton [*sic*] and the leasing or selling of Clonolta. Answered —thanks, desire lowest rent and term, and when my money comes in, I'll hearken to the purchase."

CAPTAIN JOHN BARRY to SIR PHILIP PERCIVALL.

1640, November 24. London.—I have received your two letters, one by Sir Phillip Manwaring, the other by the post, by which I am assured of your well-being, and of your satisfaction concerning our last business, for which and for your friendship, my life will always be devoted to your service. "Sir, I am sure my Lord Lieutenant's troubles are long since arrived there. The particulars of them I can[not] tell you, for his accusation is not yet brought in, but is daily expected, which all believe will fall so heavily upon him as if he lose not his head, yet he shall be totally ruined in his fortune, and made uncapable of anything to do in the commonwealth; nor do I believe it shall rest there, but that all his party, both here and there, shall be removed from the King and from all places in the commonwealth. There's nothing done in the Scotch business as yet. Their commissioners are here, did the other day refuse to treat with the King,

but told [him?] it was a business concerned the crown and they would treat but with the whole body of the kingdom. I think the wisest here would be gladly quit of them upon fair terms, but only God knows what they will do.

Under the rose, I think my Lord of Cork and my Lord Wilmot goes over Justices, at least it's thought so, although neither will be thought to know so, but I dare say there's neither of them but would be glad of it with all their hearts, and do expect it. Mr. Bowes tells me he had no notice of your receiving the money I appointed to be paid to Mrs. Chapman, and therefore will not pay it until he has directions from you. Sir, I beseech you, send him order for to supply me with a hundred pounds or two if I shall demand it, for I believe I shall want moneys speedily, for the Parliament house are taking an order to cashier all papist officers in the whole army, and among the rest myself. They fall out bitterly against us all, and begin to banish us out of town and to remove all from Court; what will become of us I know not, but we are in an ill taking at this present, it much aggravated against us by reason of a discontented rogue the other day that stabbed a justice of peace* in Westminster Hall, that was, by order of the House, bringing in a list of all the papists' names in that end of the town; and this fellow being examined why he did so, said it was because that Justice set him in the stocks almost a month ago, he being a gentleman. The accident was very unlucky and unseasonable, and much lamented by many honest men for the ill consequence of it. Sir, I was never factious in religion, nor shall ever seek the ruin of any because he is not of my opinion. I have my ends in this world if I can satisfy my own conscience and give my friends a testimony of my good intentions, and you in particular how much I am, Sir, your most faithful friend and servant." 3 *pp.*

Endorsed by Percivall. "Captain John Barry, received 4th December. Of the occurrences of the time; for a hundred pounds or two to be paid."

Sir Philip Percivalle.

1640, November 30.—"A note [in Sir Philip's hand] of the hired servants at Castle Warninge, and their wages by the year."

	£	*s.*	*d.*
James Scully, bailiff and overseer	8	0	0
John Farrall, driver, diet and	2	0	0
Alexander Scully, holder	8	0	0
William Read, shepherd, diet and	2	0	0
William Browne, carriage man, diet and	1	5	0
Mary Foulke, diet and	2	0	0
Any (?), diet and	1	10	0
Edmond Blanow, bailiff of the manor	2	0	0
Oliver Birne, diet and		6	0
Teige McShane, cowherd	6	0	0
Anthony Geffery, gardener	12	0	0

* The justice of the peace was Peter Heywood; his assailant, a man named James.

	£	s.	d.
Nicholas Gorton, weeder - - - -	6	13	4
Barnaby Evans, wainman, diet and - -	2	0	0
Thomas Lawlis, carter, diet and - - -	2	10	0
Murrogh Doole, labourer - - - -	7	0	0
Thomas Crowdan, plough carpenter - -	1	6	0

1 *p.*

SIR PHILIP PERCIVALLE to LORD ESMOND.

[1640 ?]—I received your letter by Mr. Kercher, and understanding that he had your authority to conclude the bargain so long treated of before his going to England, have been brought to sign an agreement at the most excessive rate I ever knew land sold for in that country, more by a third than I give for Laffan's share, and much more than I shall give for the Earl of Ormond's share proportionably, but I hope your Lordship will mitigate the sum. If you intend to proceed, pray send up the writings and — as a fine must be levied and a licence of alienation procured, the land being held *in capite*—give Mr. Kercher order to do what is fit, that I may have it free for my money. If your Lordship like not to proceed, pray send back this agreement with your dislike subscribed, and give Mr. Kercher order to receive the 100*l.* mortgage due to you on Laffan's share, as I do not wish to take advantage of the tender made to Pierce Butler, your feoffee, nor to question the mean profits due since that time. If I can be of any service to you in Mr. Kercher's absence, as regards the Castle, I pray you send your instructions, and I will give you a faithful account thereof. 1 *p.*

SIR PHILIP PERCIVALLE'S CHILDREN.

[1640 ?]—Paper in Sir Philip's hand, endorsed "Note of the birth of Sir Philip Percivalle's children."

"At Dublin, on Monday the 16th of October, 1626, I married Katherine, one of the daughters of Arther Usher, Esq. On Tuesday the 25th December, 1627, being Christmas Day, my wife was delivered of a daughter about ten of the clock at night.

On Tuesday the 1st of January, being New Year's Day, the child was christened at Sir William Usher's house in the Bridge Street; Thomas Cave, Esq., Comptroller of the Customs, Judith, my wife's mother, and my sister Alice, my gossips; the child named Judith. Sir Rob. Newcomen, knt. and bart., and Sir William Usher, knt., her great grandfathers, present.

On Monday, the 7th of September, 1629, my wife was delivered of a son, between three and four of the clock in the afternoon. On Monday the 15th [*sic*] of the same month, the child was christened at Sir William Usher's house; Sir Jo. Brereton, knt., eldest serjeant at law, and Jo. Veel, Esq., secretary to the Lord Viscount Falkland, Lord Deputy, and the Lady Elizabeth Parsons, wife to Sir William Parsons, knt. and bart., Master of the Court of Wards, my gossips, the child named John; his two great-grandfathers present; I being then in Munster.

On Thursday, the 18th day of August, 1631, about five of the clock in the morning, my wife was delivered of a son. On the . . . day of the same month, the child was baptised, my brother Paul Davys and my brother Richard Fitzgerald, godfathers, and my wife's aunt, the Lady Dorcas Mayart, godmother; the child named Richard after my father; I being in Munster.

On the 29th day of May, 1638, the child died and was buried at St. Audoen's.

On Thursday, the 30th of May, 1633, being Ascension Day, about five of the clock in the morning, my wife was delivered of a son at my house on the Merchants' Quay.

On Wednesday, the 5th of June, the child was baptised, Sir William Parsons, knt. and bart., Master of the Court of Wards and Liveries, and Sir William Usher, knt., godfathers, and the Lady Newcomen, wife of Sir Beverly Newcomen, knt. and bart., godmother; the child named William.

On Tuesday, the 11th day of June, in the forenoon, the child died, and was buried at St. Audoen's, at nine at night, near Arthur Usher.

On Sunday, the 7th day of September, 1634, my wife was delivered of a son about eleven of the clock; I being in Munster.

Sir Thomas Rotherham, knt., one of the Privy Council, and Francis Windebank, Esq., son of Sir Francis Windebank, his Majesty's principal Secretary, and Mrs. Ann Meredith, my wife's aunt, wife of Robert Meredith, Esq., gossips; the child named Arthur, after my wife's father.

On Sunday the 13th day of September, 1635, at one of the clock in the morning, my wife was delivered of a daughter. The next day I came out of Munster.

On Wednesday, the 23rd of the same month, the child was baptised, Sir James Ware, knt., his Majesty's auditor-general [godfather], the Lady Bagshawe and my sister Elizabeth Usher godmothers; the child named . . . . .*

On Tuesday, the 5th of September, 1637, about twelve of the clock at night, my wife was delivered of a son, I being then in Munster with the Lord Deputy in his progress.

On Tuesday the 19th of September (I being in town) the child was baptised; Sir George Rattclif, knt., one of his Majesty's Privy Council, and Sir Richard Osbaldstonn, knt., his Majesty's Attorney General, and the lady Philips, my wife's aunt, gossips; the child named George, after his godfather and my grandfather.

On Tuesday the 30th of October, 1638, about . . . of the clock in the afternoon, my wife was delivered of a daughter, I being then in Connaught on the commission of survey for distinguishing possessions.†

On Thursday the 1st of November I returned, and on the . . . day of November the child was baptised, Nicholas White of Dublin, Esq., the Lady Newcomen, wife of Sir Thomas

* In the copy of this memorandum in the letter book, the child's name is filled in as Anne; but before December 1637, Sir Philip must have had a daughter named Elizabeth. See p. 99 above.

† See p. 105 above.

Newcomen, my wife's uncle, and the Lady Tichborne, my wife's aunt, gossips; the child named Dorcas.

Memo. that the . . . day of . . . 1640, my wife was delivered of a daughter, christened the . . . day of . . . Lady Davys and Alice Usher godmothers, and . . . . godfather. [The child was named Catherine.] 2 *pp. This was perhaps drawn up in* 1638, *as the final memorandum is on a small strip of paper attached to the other.*

LAWRENCE, LORD ESMOND, to SIR PHILIP PERCIVALL.

1640[-41], January 25.—You may be confident that I will perform my former offer, and will so make it appear how little interest Walter Geogh has in the reversion "as without exception he shall own no title to it more than what my affection to him as being my wife's son may induce me. My Lord President of Munster and I had some treaty concerning Clonowle, and I cannot now collect with myself how far I stand engaged by word to his Lordship. It will not become me in honour to wrong his nobleness, though I am almost confirmed I am obliged no way to him for matter of promise." I can tell you better what to expect when I see you in Dublin. *Signed.* ¾ *p.*

EDMOND PERCIVALL to SIR PHILIP PERCIVALL.

1640[-41], January 26.—I thank you for the news of my son's safe arrival, which was as joyful tidings as ever came to me, considering the terror I had of the Turks, and not without cause. As for my cousin Percivall of Weston, the Trenchards have done him no courtesy, and their acquaintance has been much his unhappiness. "I pray God it be not a crack unto the house. My cousin Pears [Peirce] tells me that his son is likely to proceed with that churl's daughter, Inman, which, if he doth, I do then believe that Inman will be your chapman for Burton, if you please to depart with it . . . I should be sorry that the heir of Weston house should stain his blood with a clown's daughter; there hath not been any match into that family for well near these three hundred years but that hath been for the most part into the best houses of Somersetshire. I speak but truth."

You should have had your Cheddar cheeses this Paul's fair, but I dared not venture a winter's journey into those parts. If, please God, I live until St. James' fair, you shall have them then from Bristol fair. My wife is very desirous to let your lady know that she is not unmindful of all the favours she has shown her children. She sends her "two pots of quince marmalade together with her unfeigned prayers to the Lord for her happy and prosperous welfare.

"As for news, there are so many and different reports of our parliamentary proceedings that I cannot deliver you any certainty of anything. It is said that the two great men of the world [Strafford and Laud] shall be brought to their trial within these six days; that my Lord Sey, *alias* Seals, shall be Lord Keeper, that

the late synod is already by Act of Parliament made void, that papists shall pay their taxes, and many other things which you will hear of before you receive these. It is also reported that you are together by the ears in Ireland, and that the papists do pull the ministers out of the pulpit, but I hope it is not so. If it should, I should wish you and all yours in England, and also all mine." I leave my poor boy wholly to your disposition. 1 *p.*

WILLIAM BEALE and JOHN LONTE.

1640[-41,] January 30.—Certificate that Oliver Bullor—being questioned by them why he stayed in Dublin five weeks and never went to Sir Philip Percivall to settle the accounts between them—answered and said that he did verily think and believe that Sir Philip was mad. ½ *p.*

WILLIAM BEALE to his master, SIR PHILIP PERCIVALL.

1640[-41,] January 30. Killmallow.—States that Mr. Bullor has been going about the country with a letter making all the neighbours believe that he had power from Sir Philip to take up all his rents; and also that William Tobin has spread the report that his worship was taken in the west by eleven (*sic*) pursuivants. Mr. Bullor is now living at Piltowne with his mother. Gives details about tenants and stock. 1 *p.*

SIR PHILIP PERCIVALLE to CAPTAIN JOHN BARRY.

1640[-41], February 2. Dublin.—Your noble cousin, the Earl of Ormond, tells me that you have succeeded Lord Caulfield in his command, which makes me hope that we shall shortly have you here. I have not heard of the arrival of any letters here of later date than December 22, save those few that came in the ship that carried over the Lord President of Connaught and returned in January, while the packets remained at Holyhead, where, for the safety of them, and of those that were expected here with them, we hope they are still. Thus we are ignorant what has been done on that side this month past. I hear from Munster that Mr. Redmund Barry continues his groundless malice against me, and has given out that I have gone quite away, because I was sent for thither about some purchases made in my name. Also " that he hath of late procured for young James Fitz Nicholas some certificate that his father was unjust[ly] imprisoned by me, where he died; whereupon (as the young gentleman reported at Castletown) by the means of the Countess Dowager of Ormond and of some friends about the Spanish Ambassador, he hoped to procure all the lands his father and grandfather ever had. That noble lady (your cousin) is a person of great honour, unto whom, and to my lord her husband, I stand much obliged, and therefore I cannot imagine that they (*sic*) will advance anything to my

prejudice without first hearing me," but to prevent misconstruction, I make bold to give you a touch of my proceedings in the matter, begging you, as my friend and a lover of truth, to tell the substance of it to her ladyship and such others as you think fit. About eleven years ago, at his urgent request, I lent Nicholas (father of the young man) certain moneys at eight per cent., (he having formerly paid twenty per cent. to William O'Brien and others) secured upon fair mortgages and statute staples, with covenants that the lands assured me were wholly free from encumbrances. Afterwards his brother, William Tirry, produced a statute staple dated before mine, which Nicholas acknowledged, and refused me my yearly payments, for which causes I laid an action, as was most necessary for me to do, without any intent to seek his prejudice, but only to get the estate secured until my money was paid. I have never received seven per cent. profit by the mortgage, and from compassion of the hard condition in which his courses and his wife's had left her and her children, I have allowed them 20*l.* a year. It has been given out also that I purchased the land which I had of the old man at an undervaluation, and that I held him in restraint, but in truth I never laid my action on him, and what I bought from him was at dear rates, "upon a voluntary agreement of his own, long after any order or interposition of friends, which he hath confirmed by several fines, recoveries and releases, as I did the residue unto him, until upon his earnest request I gave him money in mortgage of that also . . . . . yet I find now that he hath spent his cake, he could find in his conscience to have it again." I have often since then relieved him, have spent much in securing the land, and have always dealt fairly by him, as by word and writing he has often acknowledged. I know that, if it is in your power to vindicate my reputation, you will do it, and I beg as a further favour, that you will acquaint my friend, Sir Hardes Waller, and my brother Fitzgerald, with anything which may come to your knowledge concerning me. My service to Earl Barrymore and Lord Dungarvan. *Draft.* 5½ *pp.*

T[ERENCE] D[EMPSIE] to his grandson, LEWIS DEMSIE.

1640[-41], February 14. Ballibrittas.—Stating that though he does not approve "lawless and ill-contrived bargains," yet he will allow the timber according to his grandson's demand, and urging him to avoid delay and to be very careful of his writings. 1 *p.* *Endorsed by Sir P. Percivall* "Lo. of Glanmaliera."

WILLIAM BEALE to his master, SIR PHILIP PERCIVALL.

1640[-41], February 24. Killmallow.—States that Mr. Oliver Bullor refuses to give any security, and will not meet the writer, who has sought him in vain both at Mr. Nicholas Osburne's at Cappagh and at Sir Percy Smith's. Complains of his proceedings as regards Sir Philip's affairs, and also of those of the false deceitful knaves William Brenagh and Robert Conway. 1¾ *pp.*

Edmond Percivall to Sir Philip Percivall.

1640[-41], March 1.—Details about the Burton estate. "If you hold your resolution of selling it, I will have it offered to Sir Henry Wallop, who borders upon every quarter of the land already, and I believe will near hand be your chapman, and you know is able to pay you in Ireland out of his own estate, or if not him, I believe the chamber of Bristow, who doth also border upon it, and out of their covetous desire do seek all the land in the country, will deal for it. As for Inman, that dealt with Mistress Hungerford, he is a close, stinking 'chuffe,' and will think every penny that goes out of his purse drops from his heart, and will not be so free a chapman as either of these, I think. . . . . We have had such a time in England for these two or three years past that all things whatsoever hath been at a low ebb, land, living, stock, and what not; but our hopes are that our Parliament, who hath hitherto prosperously gone on, will in some few years make again a flourishing kingdom. God of his mercy so bring it to pass. Your Governor [Strafford], as it is thought, will pay for his ambition shortly. He is generally thought to be the most unworthiest member that ever England's kingdom bred. I beseech God keep you untouched from any of his designs. If that be the worst that you have written me, I do not then fear [for] you; I have heard otherwise, which unfeignedly I protest to God had almost broken my heart, until I heard from Mr. Bowes that my lord of Cork had satisfied the House, and so taken you off. I pray Sir, I pray Sir, have never any more to do with any of that place more than needs you must. . . . I pray you let my son Samuel know that he takes meat, drink and leisure in gaining of a good hand; he is long before he enters into harness." 2½ *pp.*

Captain John Barry to Sir Philip Percivall.

1640[-41], March 8. London.—"This day I received the only single letter I had from you since before Christmas, nor has any other of my friends there obliged me more, for since that time I have not heard from any of them.

"You have enjoined me a hard task to give you an account of the particular proceedings of our Committee,* considering how dangerous it is to write truth in this age. I am not (and it is my happiness) I confess naturally curious, nor do I seek much the intelligence of the times. What I have comes by chance and when its stale, so, consequently, not worth your knowledge. This ignorance has partly preserved me from being engaged to any party in these factious times, where nobody is conceived to be sincere or honest that is not violent of that side he professes without respect to moderation or real truth. For my part, I wish all a happy conclusion (though I much fear it will not be without some trouble first), and my particular friends safety and preservation.

* The Committee of Grievances. See Carte's *Ormond*, i. 108.

"But to come to that which you demanded, all that I know of it is this in short: the whole body of the Committee suspected Mr. Bourke and Mr. Plunket for having private access to his Majesty by the means of my Lord Cottington and some others, well wishers (as they conceive) of the Catholic party, to the prejudice of the general business, which is now mainly denied by Bourke and Plunket, and the contrary alleged; that is, they have obtained of the King the relinquishing all the plantations of the kingdom, and disposed him well to the performing of all the Graces promised by himself or his ancestors, the effects of which the Committee has found upon the last conference they had with his Majesty, though since that time there is a stop in the business and other reasons given why the King should not decline plantation, as the yearly great revenue like to rise to his Majesty out of it, but the chiefest and main reason of all is the propagation of the protestant religion in those parts, which, besides the civilizing of the people, is conceived to be of very necessary consequence for the safety and improvement of that kingdom. This is suspected to be done by others of the Committee for particular ends. To conclude, Sir, I fear me when they come thither you shall hear them accuse one another, and in the mean time their business (such of it as will not do itself), suffers by the means of their differences. This is the truth of what I conceive, or by what I can gather by my general conversation with either party, of the state of your business, which I would not meddle with nor touch upon (so cautious I am to give offence) if I were not commanded by yourself, whom I must still obey in all things. Sir, its thought a new Parliament will be summoned and this dissolved. I intend to write by my now lord of Muskerie to my Lord of Ormond to get me a place, and try (for a 'fitt') if it be possible to make me a Commonwealths man, since my fortune has not been better in soldiery. My suit to you is that you will have some care of me in that particular if my Lord should fail, though I confess to you I shall not stay long to trouble it, if your army be disbanded in any time fit to carry them away, his Majesty having promised me some of them.*

"My Lord Lieutenant comes to his trial they say this week. What will become of him, the Lord of Heaven knows, but the necessity that was (almost) enjoined upon our Saviour is upon him; somebody must be sacrificed to appease the people, and he is thought the fittest, though all indifferent men think his charge reach not his life, nor can I choose but hope it will not, for I believe his being alive or dead will not settle all things here to the content of those that most desire it; contribute it may, and whether that be reason enough to take away his life I know not. I should be sorry I were guilty of it, though none wishes general quiet and happiness to all his Majesty's dominions more" than I do. 3 *pp.*

Endorsed as received on the 15*th by post.*

* This refers to the proposal for disbanding the "New Irish army" and allowing the men to take service abroad under "several captains," of whom Barry was one. *See S.P. Ireland*, cclix., 3.

The Earl of Ormond and others.

1640[-41], March 8.—Bond of James, Earl of Ormond and Ossory, Sir Philip Percivalle, and Patrick Wemys, Esq., to Charles, Viscount Moore of Drogheda, in 2,000*l.*, conditioned for the payment of 1,050*l.* on the 9th of September next. *Signed and sealed.*

Margin. Memorandum dated Oct. 19th, 1648, that this day, by order and consent of Mr. Stephen Smith, agent to the Marquis of Ormond, 500l. of this debt has been paid out of the Treasury at Goldsmiths' Hall. Signed by Alice, Lady Moore, administratrix to Charles, Lord Moore. 1 *sheet.*

Sir Philip Percivalle to Captain Barry.

1640[-41], March 15. Dublin.—I have to-day received your two letters of the 6th and 8th instant. Mr. White has promised to call on Wednesday for the 40*l.* you tell me to pay him, for so much paid to you by Sir Thomas Wharton. I am glad that the company is confirmed to you. Two things will be needed; first, a letter of attorney to me or some other friend to receive your entertainment and arrears, and then to get the money, whereof both the Exchequer and all others complain of more than ordinary want. Mr. Vice-Treasurer (to whom I pray you remember me) will tell you how things stand. The soldiers will not stir till they are cleared. Tell me what you think of Newmarket for a garrison. It is the nearest place I know, and I am persuaded that it would be good for Mr. McDonogh and all the country. I would not advise anything prejudicial to him.

I thank you for your news of the Committee. "I am not curious to enquire into other men's actions, and for the business they were sent about, I wish very well to it in general and pray for the good of the kingdom daily, whereunto I am very much obliged. They are chosen men and I hope well on them all. If any should, out of ends of profit or honour, go contrary to their trust, which I find by you is suspected, or willingly beside it (*sic*), it is pity that they should ever return. I do verily believe it is but jealousies of both sides. I wish it may prove so; time will discover it. You have heard it spoken, I believe, that on me and divers others something should have been conferred if things had gone on, but I never thought so myself (upon my faith and credit), and if I were ever troubled at the loss or ever wished or valued it, compared to the content of the general, I wish I may never have good of anything I have laboured for, and this is well known to some of my particular friends. If there be a destiny to make us all miserable (which we have deserved), there is no fence for it; God's will be done. If a new Parliament be called, I doubt not of providing you a place, but I would advise [you] to move my Lord of Dungarvan for a letter, and I would entreat you to commend my most affectionate service unto him. . . . The passages here which went by the two last despatches I believe you will think as

strange as some there [in England], and I am confident that had we had many of your temper here, things had been otherwise. I remember I was in England when the Duke of Buckingham fell, whom many men thought the only cause of all the evils, but those that were of that opinion did not find it so afterwards. I pray God comfort the Lord Lieutenant, and send us peace, here and hereafter."

I told my Lord of Ormond how long it was since you had heard from him, and he says it shall be amended. I wrote to Lord Muskery in Munster (by direction of Lord Ormond), believing him to be there; I pray you tell him how much his business requires his presence. Also I beg you send me word if the Countess Dowager of Ormond and my Lord of Cashell are in London. Mr. Redmund Barry has set on a youth to traduce me, who gives out that they promise him protection and patronage, which I cannot believe, as I know them to be persons of honour, who would not judge any man unheard, and I have always endeavoured to deserve well of them and of those who would traduce me also, as I shall make appear. *Draft.* 3¼ *pp.*

CAPT. JOHN BARRY to SIR PHILIP PERCIVALL.

1640[-41], March 23. London.—"I imagine you daily hear from some of the Committee, who are able to give you a more exact account of their business than I can, yet I am confident none of them can find just exception against his Majesty's proceedings and performance of all he promises them, and, which makes it relish the better, he gives it cheerfully and heartily, and will not (if there be truth in man) be wanting to do that poor country all the justice can be expected, and afford it that measure of favour that hitherto it had just cause to complain to have wanted. The times are troublesome here, and what to judge of them is past the knowledge of the wise; I am sure it is past mine. All will say that when my Lord Lieutenant's business is once determined, all things will come to a present settlement. I pray God it prove not otherwise, for I see other difficulties every day arise, which to overcome them is past my skill. If it be in theirs that have the managing of the affairs of the State, [it] is well enough. All I can contribute to it is my hearty prayers, and that the Scotch circumvent us not all and play only their own game to their full advantage, and who expects other from them is not of my opinion." Requests supplies for his necessities and that an enclosed letter may be conveyed to the Earl of Ormond.

Endorsed: "Received 5th of April per post. Capt. Barry." 2 *pp.*

THE SAME to the SAME.

1641, April 5. London.—I thank you for your favour and kind care of my poor credit, especially with Sir Thos. Wharton. "My company I make no doubt by the King's favour and protection to keep, notwithstanding Mountnorishes baling and railing, nor will he ever be restored to any of his places, let him expect

as long as he pleases. So much I have heard the King say, and may be bold to say it to you after him." I have thought of Limerick for a garrison, hearing that Sir John Sherlock wishes to move his company into Leinster. What I told you of our Irish Committee is very true, and you are like to hear the particulars from some of themselves, "for I think Mr. Digby and Mr. Browne takes their journey thither to-morrow, with the King's letter,* and to satisfy you of the King's gracious inclination to hear and redress all the grievances of that poor country, which ought to be the more comfortable and acceptable to you that it comes cheerfully and unconstrained from him, though it may be the distractions of other places and the conjunctions of these times have contributed to the facilitating of our affairs, for the continuing of his Majesty in his good intentions towards us." . . . Moderation and temper in us will be necessary, and not to fly as high as other people, for it is not safe to show a will where there's no power, and though the lion's claws be pared close, yet in time they will grow out again, and it is then better trusting to what his love and favour will oblige him to, than to what his necessities may enforce him to promise now. I speak not this (I protest to God) in respect of any of the persons now in question, either here or there, for I have no interest in any of them (only my Lord Lieutenant); let them if they have deserved it be punished, yet I should be sparing of blood. For him, I think he will know his doom within this week. Yesterday they entered upon the English Articles, as they call them, and proceeded to the four and twentieth. All them he has fairly acquitted himself of, especially of any intentions of bringing the Irish army hither, as it was feared here and laid to his charge as capital treason; to which he called my Lord of Ormond, my Lord President of Munster, Sir John Purlacy [Borlase], and divers others here to witness. I swear to you I cannot choose but hope he will come off; certain I am he will never more bear office in the Commonwealth." Neither Lady Ormond nor my Lord of Cashell is in town. [Private affairs.]

Postscript. "I have written to my Lord of Ormond to provide me a place in Parliament if there be a new." 4 *pp.*

CAPT. JOHN BARRY to SIR PHILIP PERCIVALL, at Dublin.

1641, April 21. St. Albans.—Lord Ranelagh's man has given me your letter, in which you desire me to write to you somewhat of the times. "Truly I hold my opinion still, and though we have taken on the Scotch for another month, I fear we keep them [back?] but till they are ready or the season fit for them to march. This opinion will not be received here, but the contrary believed by those it concerns, that the Scotch will presently retire and be contented with any conditions the House of Commons will propound to them. I pray God they find it true. Though this storm were well past, yet all our fears are not over, for it is not unlikely we shall have trouble at home. Our own army is ready to mutiny, and instead of appeasing of them they have higher discontents

* Printed in the House of Commons' Journals, Ireland, Vol. I., p. 211.

and are more and more neglected (as they conceive), and what dangers that may bring, especially the officers joining and the Scotch not yet gone, I refer to your consideration. This, nor the immediate and imminent danger Berwick is in, the garrison ready to starve, horse and man, the town blocked up of all sides, and though not besieged, yet all relief denied it, a hundred pieces of great ordnance, with ten thousand arms, at the mercy of the Scots—when all this is presented to the House of Commons and seconded by two or three express of the prime officers of the garrison, sent of purpose to make this revelation, it will be understood no other than a design or a bone thrown to divert or interrupt their weighty affairs.

"The business they most intend is my Lord Lieutenant's life, upon which divers are extremely bent. The whole relation of the proceedings I am sure you will have this post from knowing men, though not with the same opinion or expectation I have, which is that his life, notwithstanding all this, will be safe, which I am sure few believe, and not many expect.

"The young Prince of Orange comes to Court this night. He is as joyfully received as these troublesome times will admit, and he is, they say, as nobly waited upon as would merit a very brave entertainment. He finds his mistress sick afore him, and her pretty sweet looks extremely changed.

"My Lord of Holland is made General; he goes down to the army very speedily; if he can keep them in good order without martial law or money he does more than ever yet was done, or indeed can be expected. Mr. Willmot and Mr. O'Neale have got pensions, the one a thousand pounds a year to be paid here in England, the other of five hundred to be paid out of the office of the Hamper in Ireland."*

I fear by your last letter that I have overtaxed your patience by charging you with more moneys that I had warrant for. If so I humbly beg your pardon. Your favours to me have ever been free and noble, yet I have hoped and still hope that you might not be much prejudiced thereby, although I have now accidentally transgressed.

Postscript by Sir Thos. Wharton:—"Sir, I am in brief as much your servant as this cavalier with his long epistle, and more than that I cannot say. Tho. Wharton." 4 *pp.*

Earl of Strafford.

1641, April.—Diurnal occurrences in the Earl of Strafford's trial and proceedings of Parliament, March 22–April 26. 70 *pp. Contains nothing that is not already in print.*

Capt. John Barry to Sir Philip Percivall, Dublin.

1641, May 4. London.—"I have this day received your letter by Mr. Bowes. The trial of my Lord of Strafford is not yet over, but within a few days I believe you will hear the end of it, which I fear will be tragical, notwithstanding that the King has

* *See* S.P. Dom., Signet Office, Vol. III., p. 510.

declared his conscience unsatisfied and positively said he would not pass the Bill. These two days the town has been in an uproar, tumultuously seeking of justice and speedy execution. What will become of it I leave to Heaven. Of any other thing I can give you no intelligence until this business be over, for all things are at a stand. I hope to be in Ireland very speedily after, with permission to transport some of your army beyond seas, if the House of Commons stay me not, who, I hear, means to question me about the taking on of some officers, which I did with the King's leave, but it seems they suspect some other design in it." I have been summoned once, and they seemed satisfied with my answers. What they will ask me next I neither know nor care, being innocent of all offence. I pray you send Mr. Bowes word to furnish me with £100. 1 *p.*

[One of the Eight Irish Colonels*] to Lord ———

1641, May 8. London.—"Here has been the greatest treason discovered this week that was in England since the powder plot. The design was my Lord of Strafford's escape, the bringing of our English army upon the Parliament, satisfying the Scots army and sending them back, and, as we since suspect, bringing in French forces and our Irish over for their assistance. †The conspirators were Mr. Jermyn, Mr. Percy, Sir John Suckling, Davenent the poet, and such youths (unsworn counsellors), and, as my lord of Essex called them in the House, the new Juntillio. They are all fled, and Col. Goring is suspected to be of the party, who was (as is thought) to have favoured the French descent at his government of Portsmouth, whither one lord (my Lord Mandeville) and two commoners (Sir John Clotworthy and Sir Philip Stapleton) are sent to examine him. My lord of Carnarvon and Mr. Crofts did happen to go a private journey at the same time, and so are come to the honour of being reported traitors. My lord of Strafford is now at last in utter despair, and all hope of arbitrary government has given up the ghost. The Judges did all give in their opinions that his facts (*sic*) and counsels were treasonable, and the Lords have passed the Bill and the Commons begin to cry out for execution. The Queen is very angry, but the King eats and sleeps well still. He has given his consent to the disbanding of our army, and so there's an end of our wars. I have leave to carry away a thousand men, but I have not my treaty ready yet. Butler, two Barrys, Belling, Sir James Dillon, Lieut. Col. Taafe and I are named to transport the men. *Copy.* 1 *p.*

* The name of the writer, in the endorsement, has been erased, but apparently has been Capt. John Barry, which is evidently a mistake. The names of the officers to whom the King granted warrants to carry troops abroad, as given in Carte's *Life of Ormond* (I., 133) are Cols. Theobald Taaffe, John Barry, John Butler, Richard Plunkett, George Porter, Chris. Beling, Garret Barry and (a little later) Col. Thos. Butler. If this list is correct, the above letter must have been written either by Plunkett or Porter. In a paper amongst the State Papers, Ireland (Vol. cclix., 3) dated May 7, Plunkett and Porter are omitted, and Sir Lorenzo Cary, Lieut.-Col. Winter and Sir James Dillon given in their stead.

† Known as the first Army Plot.

TEIGE CASY, PATRICK MEAGH and JOHN DERMOTT.

1641. May 14.—Certificate that upon search amongst the rolls of the entries of appearances in the Court of Chief Pleas, Easter term, 1638, it is not found that the above named entered their appearances at the suit of William Bourke.

May 15.—Like certificate that no writ against the above named Teige Casy, &c., at the suit of William Bourke is found returned that term. *On the same sheet.* 1 *p.*

Endorsed: "Certificate that no appearance is entered by the tenants of Sir Edward Fitzharris and Ann Casy and that no writ was returned."

SIR PERCY SMYTH to his brother [in-law], SIR PHILIP PERCIVALL, Dublin.

1641, May 26. Ballenatra.—The bearer Mr. Foulks, desires to put his son into your service. "Oliver Buller is stept for England, so you may forbear prosecution for awhile. . . I wonder what's become of my lords of Cork and Dungarvan." 1 *p.*

WILLIAM BEALE to his master, SIR PHILIP PERCIVALL.

1641, May 27. Killmallow.—I think good to let you understand that at a court leet held at Ferry Point, at Creed's house, for the manor of Piltowne, on May 13, before the two stewards of the court, Michael Parlane and Edmund Commyn, and the whole jury, one John Lacy, brought in by Mistress Buller at her heels, gave me such a blow on the head with his sword that I was like to lose my life by it; at the same time calling me rogue and rascal and threatening to hew me in pieces, because of a warrant I had against William Tobin for 50*s.* which he had undertaken to pay for the cow which Oliver Buller had. Next day, hearing that Mr. Buller was at Creed's house, I came thither with John Lont and James Butler (late High Constable of Drom) but just at the door Sergeant Reade, being sergeant of the company at Youghal, the clerk of the same company, one James Mortton, and the said John Lacy set upon us, so that I could not arrest Mr. Buller. Concerning Mr. Buller's goods, "sold for and bought unto your worship"—prized by Thomas Sherwin and Thomas Wraxsell—John Sherwin, brother of Thomas, had 40*l.* out of them, and Mr. James Ronaine, alderman of Youghal, had 60*l.* for a debt due to Mistress Lamms of Youghal, for which he stood bound. I have paid Mistress Mabel Fitzgerald 7*l.* 10*s.*, being the half year's rent for Knocknegeragh.

I pray your worship to take some course with Sir Nicholas Welsh's serjeants, namely Edmund, Thomas and David McWilliam, "a company of rogues and wicked members" who challenge part of Knockbracke to be of the lands of Dromgallen. I have brought two of the oldest men in the country to show the bounds, and have acquainted Sir Nicholas and his steward

therewith, but can get no remedy. The sheriff cannot take them upon your writ; the constables cannot come at them to take them on a warrant from Sir Percie Smyth for stabbing my dog. Your worship saw when you were here how they had broken your cow-boy's head, for which and many other offences they were indited at the Quarter Sessions at Tallow, as Cossny Molloy can certify you, "and yet they catch up kittles and pots which are made over by bills of sales for security of your worship's rents." Lastly, I would have you send down a writ against William Fowlow, the farmer of Kilgabriell, a very rich, stubborn fellow, who withholds your tithes. 1½ *pp.*

CAPT. JOHN BARRY to SIR PHILIP PERCIVALL.

1641, May 31. London.—I wait only for my lack of money to be supplied, and shall then hasten into Ireland. "I cannot offer to write anything of news, because a word from me would be enough to call me in question, together with the suspicion and jealousy (that undeservedly) is already of me knowing something of Mr. Percy's and Jermyn's and Sir John Suckling's plot. What it is I yet know not. This week the report is made in the House of all the discovery that is made of it; that, and to see what will become of the Bishops, whether they shall [be] Bishops or none, stays me, for I believe it will be decided within this few days, and much of the business of the State depends upon that. The King is resolved to go into Scotland towards the latter end of this ensuing month. The Queen says she will not stay behind; but all their resolutions change so often as I do not know what to fix upon." 2 *pp.*

SIR JOHN LEEKE to SIR PHELEPP PERCYVALE, at his house near the Quay, in Dublin.

1641, May.—A poor tenant of yours, named Offlin, has been served by your servant with an execution for his rent, and his cock of corn and two or three garrans taken, but as he has certainly paid the rent I have ordered them to be restored, on his giving security to pay anything that you and I upon examination may find due.

"Some ill-affected neighbours to the Earl of Cork and to myself are determined to petition the House of Parliament, for that the deer break out the park and eat their grass and sometimes corn. It cannot yet be helped, but will ere long, for that my Lord intends to pale or wall it about. They will make a mighty clamour, and in very truth ten times more than it is. It doth not trouble them to see a hundred sheep in the corn, but if they see but two or three brace of deer they set up the cry." Pray, if you hear of it, use your power to qualify their malice. 1 *p.*

SWYTHEN WALLTON to his master, SIR PHILIP PERCIVALL.

1641, June 3. Ballytemple.—Concerning an exchange of lands with Mr. Bourcke, sale of stock, sheep-shearing, &c. The priest at Loughteen says that Sir Philip promised him the house and garden and the benefit of the well, without demanding any rent. 1½ *pp.*

TEIGE O'BRIEN to his best friend, SIR PHILIP PERCIVALLE, at Dublin.

1641, June 23. London.—I thought best to show my love to you by abstaining from troubling you with letters, not conceiving that a man of your eminent rank, constantly employed in the weightiest matters of the Kingdom, would abase himself to think of one of my mean estate; but as my brother Dermod Oge writes to me that you take my silence unkindly, I trouble you with this rude scrawl, happy that you will deign to read it. "And as for me, (pardon me my psalm Latin), *Si oblitus fuero tui, oblivioni detur dextera mea, adhæreat lingua mea faucibus meis, si non meminere tui &c.* . . . I live myself with the Duke de Candale and de la Vallette, a man completely virtuous and honorable. He was minded once this year to see Ireland, but now his resolution is changed. I promised him that one of my best friends there (meaning and naming you) should furnish him with horses, which he is so thankful and obliged for as if he had effectively received the obligation." 1 *p.*

SWYTHEN WALLTON and RICHARD STOKES to their master, SIR PHILIP PERCIVALL.

1641, June 24. Donaskegh.—Giving details about cattle, sheep and horses, and complaining of the losses caused by sheepstealers, whom they urge Sir Philip to have "strictly followed at the assizes, to hang some of them, whereby the rest may take warning." The sheep have to be watched every night, and the watchers took two of the thieves, who are now in gaol. 1 *p.*

WILLIAM BEALE to SIR PHILIP PERCIVALL.

1641, June 28. Lestynane.—Complains of the carrying off of cattle by one Richard Moore and his nephew, Robert Martin, who came upon the land and carried away eight great steers, which might have been sold for 21*l.* As regards the possession of Knockbrack and Dromgallen, he has procured "two old ancient men to view the bounds and to tread out the same, viz. one Daniel O'Sulivane, of the age of a hundred and odd years, and Thomas O'Murrihy, of the age of four-score and odd years, and they say that what meares or marches they have showed . . . are the true ancient meares and bounds between Knockbrack and Dromgallen time out of mind," notwithstanding which the serjeants, viz.: the old man William Mc Edmund, and his son Edmund Mc William, and the other two rogues, Thomas and

David Mc William, "are not contented therewith, but do catch and snatch all that ever they take there." Also William Tobin has taken a parcel of garden tythes of the lands of Kilmellow, which he challenges in the right of Ardmore parish, whereas it is no such thing, but has always been enjoyed by those who bought the tythes of Kilmellow, as the "said two ancient men, being dwellers always upon the place, do say." 1¾ *pp.*

EDMOND PERCIVALL to his kinsman SIR PHILIP PERCIVALL.

1641, July 6. Ringwood.—Sending him news of his Burton tenants, and advising the purchase of an estate in Somersetshire called Woodspring, now offered for sale by Mr. Avarie, which is said by cousin Percivall of Weston to be one of the sweetest seats in the county, and the best accommodated for fowl, fish, wood, timber and dainty housing; with good orchards and tythe free, having no inconvenience save that it is held *in capite*. 2½ *pp.*

SIR PERCY SMYTH to his brother [in-law] SIR PHILIP PERCIVALL.

1641, July 9. Ballenatra.—I return you thanks for your care concerning the Dutchman. His name is Jacob Van Hagard, "or some devilish name," and he dwells in St. Patrick's Street in Dublin. "For what Oliver Buller may tell my lord, I little value, for I well know his lordship seldom gives his opinion till both parties be heard, and you, I dare say, are so much in his esteem, that he will give little credit to anything he may attempt, more than the bare hearing . . . God grant those that desire the Act against Justices of the Peace well understand what danger may happen for want of them, which will quickly appear if none under 100*l.* per annum be in commission. I confess, too many there be, yet if it goes this way, too few. I dare say several baronies in this province will hardly have two Justices at this rate, and then I know full well what follows. A middle way, in my conceit, were much fitter. For my own part, I protest to God, I care not which way it goes, but I perceive it may be most pernicious." 1 *p.*

ERASMUS BURROWES.

1641, July 12.—Certificate by Erasmus Burrowes, esquire, High Sheriff of co. Kildare, that having apprehended Patrick Conran on a writ at the suit of Sir Philip Percivalle, he was rescued from the bailiff, William Browne, by one Lieut. John Farrer, "who told him that he wondered the said Conran (being a soldier, as he alleged) did not cudgel him." Has turned away the bailiff, although he brought Lieut. Farrer's letter, showing "that he had liberty of the Lords Justices to take those soldiers that went out to go to the new army." ½ *p. The date given only in the endorsement.*

SIR PERCY SMITH to his brother [in-law] SIR PHILIP PERCIVALL.

1641, July 19. Ballenatra.—" . . . Our merchants here are in a desperate case, having ready to send away at least twelve hundred packs of wool which they dare not ship. Believe me, it will spoil all unless some speedy course be taken for transportation. Methinks our committee cannot choose but think of this, being of so much importance. You may do well to put it into their heads, for if a stop be on wool, farewell all. Cattle of all sorts are very dead in England, and so far out of esteem here that no man will deal. It's very bad; God amend in due time." 1 *p.*

JOHN LONTE to SIR PHILIP PERCIVALL.

1641, July 24. Lestynane.—I and your servant William Beale spoke last Tuesday, at the Ferry point of Youghall, to your cousin Sir Nicholas Welsh, being then coming from Mistress Fitzgerald's funeral, desiring leave on your behalf to cut cross timber in his woods at Dromgallen towards the repairing of the great house at Lestynane, there being no such timber in your woods of Killmellow. He says he will tell the steward of his Courts at Piltowne to see where it may be cut. We also complained of the wrongs done to the tenants by his sergeants, Thomas and Edmund McWilliam, as regards pawns wrongfully taken and detained by them, such as crocks, hatchets and billhooks, and also concerning other foul abuses committed by them, " whereupon Sir Nicholas grew discontented and spoke very harsh, so that the best name that was given us was knaves. It is well known to all the parishioners bordering upon Piltowne that those serjeants are very wicked persons and very ill-members, for what pawns or distresses soever they catch or take, if it comes once into their hands they will never restore it." As it is in vain for us to speak to Sir Nicholas, I pray you to write him a few lines yourself. 1 *p.*

WILLIAM BEALE to SIR PHILIP PERCIVALL.

1641, July 26. Lestynane.—Details about the estates and stock and the dispute concerning the bounds of Knockbrack and Dromgallen. Also further complaints of the McWilliams, who are such rogues that nobody can endure them, and of Sir Nicholas Welsh for defending them and accusing the writer of having played the knave. 1¾ *pp.*

EARL OF ORMOND and others.

1641, July 30.—Indenture between James Earl of Ormond and Ossory, David Rooth of Kilkenny, Esq., Gerald Fennell of Ballygriffin, co. Tipperary, Esq., Patrick Weims of Dunfert, co. Kilkenny, Esq., and Edward Comerford of Callan, in the said county, Esq., of the one part, and Sir William Usher of Dublin, Knight, and John Usher of the same, Esq., of the other part.

In consideration of the sum of 5*l.*, paid by the said Sir William and John Usher, and for many other good causes and considerations the said Earl of Ormond, &c., do grant to the said Sir William and John Usher, all the manors, castles, towns and lands of Nenagh, *alias* the Nenagh, Templemore *alias* Corckhinny, Ballyerke, Coulmy, Killowran, Lisdonowly *alias* Lisdonellen, the Grange of Nenagh, Ballyhaninbeg, Bawne, Downemona, Lehesseragh, Kilbeg, Carriggegowne, Knockbracke, Rathmoyle, Glanegeiry, Conlecunagh, Kilgreggan, Ballybeg, Killoganny, Curraghleigh, Ballyrourckemore, Garranballyverikin, Roppolaghmore, Lossnenagh, Ballinvellan, Ballymulvassy, Meany, Killshelan, Burresbeg, Aghallybeg, Kellvitlaglaghy, Kellins, Lissneviddage, Ballyshonikin, Ballyaddam, Gortnegilliny, Culleragh, Ballyrory, Rahinelyne, Garrymore, Kelkerasker, *alias* Farrinedowda, Kearone and Ballygibbon, with all appurtenances, in co. Tipperary, for the term of ninety-nine years, and for the payment of one grain of wheat at Easter yearly "if the same shall be reasonably demanded." The true intent of this deed is that whereas Sir Phillip Percivall stands bound with the Earl in several sums to several persons, as appears by the annexed schedule, and whereas the Earl has undertaken to hold the said Sir Philip, his heirs, &c., harmless of all penalties in the said obligations, the said Earl, for the security of Sir Philip, has "bargained and sold" the above premises to Sir William and John Usher, to be by them held to the use of and in trust for the Earl, his heirs, &c., until such time as Sir Philip, &c., shall be troubled, sued, arrested or impleaded for any of the said debts, when, if the Earl fail to exonerate him, the lands shall be held to the use of Sir Philip until he be absolutely freed from all demands touching the said bonds, after which they shall revert, for the remainder of the term, to the use of the Earl.

Signed by the Earl and Edward Comerford in the presence of five witnesses, of whom Lord Muskery is one.

Underwritten: Schedule of debts, viz.:—Two several bonds to Sir Gerard Lowther, Lord Chief Justice of Common Pleas, in 1,000*l.*, conditioned for the payment of 500*l*; one bond to Sir G. Lowther and Sir George Ratcliffe, executors of Sir Richard Osbaldeston, late Attorney General for Ireland, in 1700*l.* for payment of 788*l.* 10*s.*; and one bond to Viscount Moore, in 2,000*l.*, for payment of 1,050*l.* *Certified copy.*

1 *sheet, written on both sides.*

SWYTHEN WALLTON to his master, SIR PHILIP PERCIVALL.

1641, August 29. Ballytemple.—I understand that one of your tenants has informed you that we suffered your grass to be destroyed by the trespassing of the neighbours' cattle, "I will assure your worship it is no such matter as he allegeth, and to no other purpose this fellow informed you but to that intent you should entertain him as a serjeant in Clonolta. . . . We hear an ill-report of him by the neighbours, also we suspect him for stealing of some of your sheep." Richard Stokes will provide what money

he owes you against your coming down, and he thanks your worship for bearing with him so long. He has sold a hundred of your smallest sort of ewe lambs to Mr. Ryane, that lives near Tipperary, at 17*l.* 10*s.* "As concerning Conway's suit, I was with the lord Bishop and at the court of Cashell and according to your lordship's direction I claimed the privilege of Parliament, being your worship's servant, which Conway likes not well of." Mr. Backber will buy a hundred fat cows at Michaelmas if you have them to sell. Mr. Edmond Magrath cuts wattles in Ballagh bog, and says he has your leave to do so, and Mr. O'Barry, who had a "reck" of hay last winter which he promised to restore this year, now refuses to do so, answering that you promised him hay for his cattle. He also keeps the tithe of Bally Cloghy. 1 *p.*

Col. John Barry.

1641, September 8.—Bond of Col. John Barry of Liskarowle, co. Cork, Esq., and Sir Philip Percivalle of Dublin, Knight, to Don Alphonso de Cardenas, in 1,500*l.* The condition of this bond is that Col. John Barry, having undertaken to raise in the kingdom of Ireland a regiment of a thousand foot, to be transported this present harvest into Spain for his Catholic Majesty, and having received 750*l.* from Don Alphonso towards the raising of the same, agrees to have the thousand soldiers in readiness at Waterford, the Passage, and Kinsale, or any of them, by the 25th of this present month, and then and there to embark them for Spain, provided that Don Alphonso shall find shipping sufficient at the time and place aforesaid for transporting the said soldiers, and shall keep them at his own charges until they be embarked. *Copy.* 1 *p.*

Overleaf: *Memorandum that Col. Barry had the men in readiness according to the bond, "but to this day there came no shipping for them, by reason of the stay put upon shipping by the Parliament of England. Signed by John Barry and witnessed by Sir William Usher and two others, Nov.* 25, 1641. ½ *p.*

Annexed: *Acknowledgment on behalf of Don Alphonso de Cardenas that Col. Barry had the troops in readiness, but that no shipping came for them "by reason of some restraint laid on them by the Parliament of England without the privity or consent of the said Don Alphonso."* Nov. 27, 1641. *Copy.* 1 *p.*

Col. John Barry.

1641, September 8.—Bond of Col. John Barry of Liscarrol, co. Cork, to Sir Philip Percivall, in 3,000*l.*, conditioned for the keeping of Sir Philip, his heirs, &c., harmless in case of the forfeiture of the bond to Don Alphonso de Cardenas. *Signed and sealed by John Barry. Witnessed by John Usher and Thos. Loghlyn.* 1 *p.*

TEIGE O'BRIEN to SIR PHILIP PERCIVALLE.

1641, September 27. London.—The bearer, Mr. James Devenish, has assured me that you, my lady Percivalle and all your children are in perfect health. "I am overjoyed and above all measure proud, in that I cannot hear Sir Philip Percivalle's name mentioned among those whose actions are re-examined and reflected upon. I always prayed God to that purpose, since I had the happiness of your acquaintance. Adhere fast to Him who gave you that grace (I mean to God Almighty). You stand in as great need to stick to Him hereafter as you had hitherto." I know the death of your servant our little Cahir O'Callaghan will grieve you. I entreat you to write a comfortable letter to his father, which will ease and comfort him much. I never had the good luck to see Mr. Fitzgerald during his being here. "If I were free to go abroad as he was, he had no need to take the pains to come to see me . . . Though I am both their Majesties' sworn servant, yet I dare not go out the doors, the persecution is so fearfully cruel and hot." Direct to me at the Duke de la Vallette's, in the Piazza in Covent Garden. 1 *p.*

[CNOGHER O'CALLAGHAN ?] to SIR JAMES CRAIG.

1641, September 28. Bealaballaye.—I formerly certified you that Mr. McDonnogh's tenants drove their distresses to the mountains about May, and have not brought most of them home yet. Mr. McDonnogh has lately come from England, and "threatens hugely to recover all the money ever you received, and gives out that he hath sent to Dublin to sue your worship and me, and he threatens to question any that shall distrain in your behalf, as for taking distress against the law, which some of our lawyers say is a dangerous thing, and in the meantime his son that came over before himself gave out that he had direction from the Parliament of England to get all back, and order to the Lords Justices accordingly." Partly by favour and partly by fear, some of the tenants paid him and his father their rents, and many of the lands in the country are like to be waste. If you get direction from the Lords Justices and so free me from danger, I will give a good account of your rents. It is reported, moreover, that they have got the King's land, and have power to distrain for the rents past, so that the tenants dare not grass it, and all will be waste unless some speedy course be taken. 1 *p.* *Endorsed by Sir Philip*: "Copy of a letter to Sir James Craige, 28 Sept. 1641."

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

1641, November 1.—Thanks for your news, which also was sent me by several others, "yet I must tell you that I give very little credit to the story, and my reason is that there is now nine days past sithence the discovery [of the plot against Dublin] was first made, and I have not heard one word from the Justices, which I am confident their

wisdoms would have thought it fit and requisite to have give me some notice of it, if not for my own sake, who may be of little value, yet to free themselves if anything should happen otherways than well, of which there is no likelihood, God be praised; for all is as yet sound and well; but I must tell you that if I should stir from hence or make any show of danger, there would be but a few tenants left in Bruheny or in Downerayle, for you cannot imagine in what a fright the people are in. One twenty men in Duallo or in Roche's [country] would make everybody leave their dwellings. Therefore until I have an answer of these letters from the Justices I may not stir from hence, although I have a very good mind to be at the beginning of the sitting of the Parliament (if it hold) to see if my friend D. will hold up his nose as confidently as he was wont to do. No martial law, no governors, no army; train-bands and lieutenants of shires is your only fine government. O that I were with you but one half hour to laugh; no plantations, no Justices of the Peace but natives, no punishment of jurors, no judication but the Common Law. But hola, no more of this until I be better informed of the shuffling of the cards: then you shall have enough of it." 2 *pp.*

SIR WILLIAM ST. LEGER, Lord President of Munster, to SIR PHILIP PERCIVALL.

1641, Nov. 5. Downerayle.—As I was yesterday writing to John Hodder to put a ward into Liscarroll, there came to me O'Sulivan Beere, McDonagh's son, John Archdeacon and others from my Lord Roches, where I was informed that they had long consultations mostly tending to your disadvantage and mine; how I had done my best to ruin him, to make room for myself, and had drawn you in to the ruin of McJames and McDonagh. Also that we both had drawn Sir James Crage to ruin McDonagh for your ends. This I was told by an ear-witness of all that passed, and by it you will see "what good affection there is borne us, and what measure we are like to expect at these men's hands, that coin such untruths of us. All this good company went yesternight to the Lowhard, where no doubt they were merry, and took liberty of discourse, which I shall likely hear of again. There comes such bloody news out of those parts that it is enough to fright away all timorous men, and to stir up and encourage all ill-affected persons to rebellion; but, for my part, I believe nothing but what comes from the Justices or such a friend as yourself, but if these times do continue, the Lords must settle a better course for speedy conveyance of their advertisements than hitherto they have done, or else it will be all nought, for the first advertisement that I had of the stirs from thence was full nine days old before it came to me, in which interim a world of mischief might have happened that had been safely prevented if timely advertised. I pray make my [lord] Parsons sensible of this, for it is of consequence. This day a servant of my Lord Roche's left a copy of the order of the House with one of my servants, but we hear at random that both the term and meeting in Parliament is put off until the 12 of

February, but, whether it be or no, I may not stir until I receive the Justices' commands, but I beseech you let me know, if I should be commanded to stay here and the Parliament set, whether I shall send my answer or no, for I am very ready for it. But under the rose, I must tell you before we part that the proclamation the Justices sent into these parts* was not so well advised on as it might have been in my opinion, for my end should have been to have settled the humours and disposition of the people, and this hath wrought the clean contrary effect, for they were bad before, and now they are ten times worse. Now in the last place I give me leave to tell you that I did read this proclamation to O'Sullivan. At the reading of the words 'ill-affected Irish papists' I did never in my life observe more venomous rancour in any man's face than was in his."

Postscript. "Having written this far, I was told under the rose that after twice sending for, the Earl of Clanricarde did not appear. I pray let me know what you hear. Old Col. Barry put all Cork and Kinsale into a terrible fright, having twelve hundred men in a readiness. I have sent to him to disband them, which I hope they will do. I must tell you that I hear that the rebels gather strength, which if they do, I must say their Lordships are too slow." 3 *pp.*

William Dobbins to Sir Philip Percivalle.

1641, Nov. 8. Neaston.—I am heartily sorry that I cannot write anything comfortable to you in these miserable and distracted times. God of his mercy comfort you and us all. My poor wife [Margaret Percivall of Ringwood] lies here, very weak. Her child was born on shipboard, and she was carried ashore here, where she is very ill-accommodated. "God help her, amongst a company of mercenary towns and extorting people as ever lived, and I dare not venture to carry her to Chester." She acknowledges herself infinitely bound to you for your kindness, and sends thanks for her token. If you send your son and he has his health, I believe you will never repent it, "for a better school and company and place for education in the fear of God is not in England than Ringwood. But I will not nor dare not advise, knowing mishaps fall on a sudden, and you better able to discern the best way."

Postscript. I will write to my Lord President shortly. The patent for the serjeant [at] arm's place is with Cuthbert, and the warrant for a new patent with my Lord Parsons, signed. 2 *pp.*

Sir William St. Leger to Sir Philip Percivall.

1641, November 8. Downerayle.—"I do find that all at Dublin, or the most part of them, are frighted out of their wits, for if it were not so, it were impossible that they could think that Dublin could be taken by a company of naked rogues. You are as safe as

* Of Oct. 31. Printed in Borlase's *History of the Irish Rebellion* (p. 28) and elsewhere.

if you were in London, if you be but men and stand to your tackling. I am very sorry to hear that the Master* hath sent away his children. In my poor opinion it is the unadvisedest thing that ever he did, next sending for all the soldiers out of this province. What can they imagine will be possible for me to do with one poor troop of horse. I have represented it freely unto them; if any ill happen, the blame must light where it is due, for I cannot fight without men, neither have they any occasion to use foot if they understood what they went about; the horse would rout these rogues if they were well followed, but I fear you have no men for it in those parts. Yesterday I writ to you at large, and will do so every day that I have conveniency, if they would erect a post betwixt this and that place, which is very necessary. I beseech you speak with the Master about it. Your letter is burnt, and old Gar. Barry holds his men still together about Kingsale. What he means to do I know not, but the country is much afraid of him. I have sent to him to disband his men, which I hope he will do, but if he will not I must let him alone, for I cannot make him."

Postscript. "Let the Master believe me the feat is to be done with horse and that speedily, if they be hotly handled." 2 *pp.*

JOHN GALBRAITH to his master SIR PHILIP PERCIVALE, Merchants' Quay, Dublin.

1641, November 10. From my Lord Montgomery's garrison [Lisnegarvy].—"The many expressions of your affection and respects lays a perpetual tie on me, and wherein I can ever be able to show myself your servant, it shall never be wanting. I had some letters of Mr. Secretary Vane to the Earl of Ormond at my coming from Scotland, the 19th of October, and came on with more haste than good speed till I was within two miles of the Newry, and never heard so much as a word of this breaking out of the Papists. Some six score men of Sir Con McGinnies [Magennis], who were come out of the Newry to carry in beeves and sheep for their provision, fell upon me and pillaged me to the very shirt. I pleaded for nothing but Ormond's letter, which was refused with much impertinent language, and threatened me to go back after I had followed within half a mile of the town, else they would knock out my brains, as indeed I think hardly could I [have] made an escape with my life if it had not been my good luck to fall in their hands with the first; the 23rd of October, the very next day, the plot was appointed. Next day, at my return to Lisnegarvy, my Lord Montgomerie and Sir James were there with six hundred foot and horse. Conway and Chichester's troop with eighty light Scots horses were sent to Dromore to relieve Capt. Mathewes, who had got him some sixty of my countrymen. The gentleman has behaved himself gallantly, and with that small number fell upon a hundred and more of the rebels and has killed fourscore [and] ten of them. That night a great noise of people was heard, drawing near the town, and my gentle troopers without

* Sir William Parsons, who was Master of the Court of Wards.

further dispute ran away, and left a cart-load of ammunition behind them, and would needs have Mathewes leave the town. In their retreat, which was in the night, they killed many poor straggling souls. Capt. Chichester left at his lodging 150*l.* and they say me his sword also. With much ado at their return to Lisnegarvie could my Lord Montgomerie get his soldiers kept from falling on Conway's troop to have disarmed them. The day following, my Lord Montgomerie marches on with all his companies towards Dromore, and before he could [com]e at it the rogues had set it on fire and were all fled. Lurgan Tinnergie, Mr. Hill's house, and many more places are all burned and destroyed; the most woeful desolation that ever was in any country on the sudden is to be seen here; such is the sudden fear and amazement that was seized all sorts of people that they are ready to run into the sea. Many gentlemen's wives and children are taken and inhumanely entertained. My Lord and Sir James came back and settled a garrison at Lisnagarvie, who have killed sixty more. Sir James lies in another place with three hundred men, for the safety of the country. My Lord went into McCartan's country and has foiled his companies; he himself fled to the Newrie to the rest of the wicked associates; half a score of his men were killed, and if it had been possible to follow them on horseback, ne'er a man of them had escaped. My Lord is come from thence to reinforce his army, but is infinitely wanting in men of skill and arms. I have been so tormented in this unhallowed place that my memory has failed me in giving any account of news from Scotland. There was much adoe about the electing of their Ministers of State. Lowdon is Chancellor; Amond, Lieutenant-General of their army, was recommended by the King to be treasurer, who was refused, whereupon, as the report goes, a plot was laid by my lord of Amond, the Earl Crawford, my Lord Ker and some other soldiers of fortune, to put the Marquis of Hamilton and Argyle out of the way.* The relation runs thus: Horry [Hurry], Lieut.-Colonel to Montgomerie's regiment, and Capt. William Stewart (his son who was in the Marshalsea), meets with one Alexander Stewart on the streets of Edinburgh, Lieut.-Colonel to Ker; this gentleman invites the tother two to the tavern, Horry desires to be excused and gets him gone. Says Alexander Stewart to the captain, 'Comrade, if you will take an oath of secresy, I will acquaint you with a business in hand which may imbetter many men's fortunes, and it is my desire you should share largely in it.' T'other says, 'Comrade, you know I am tender of the credit of a cavalier'; 'Well,' says Alexander, 'I know thou art an honest gentleman. The truth of the matter is thus: it is resolved by the best of the soldiers of fortune that things must be otherwise carried than they are, and that three hundred men are to stand at the privy gardens of the King's house while the Marquis and Argyle are drawn on a discourse by Will. Murray of the Bedchamber, and afterwards arrested by my lord Amond and carried to the King's ship at Leith, and afterwards to fall on the Parliament and dispose of places at

* Known as "The Incident."

their wills.'* Since I came away it is expected that matters will accord peaceably, and I hope their readiness to help this poor distressed country will hasten the agresment.

Upon examination, Crawford, Alexander Stewart and Col. Cochrane (*sic*), but nothing material found, except the bare deposition of a single gentleman." I am now going to sea, with letters to the King from Lord Montgomerie. I pray you, send this to my Lord of Ormond with all possible speed. 2½ *pp.*

SERJEANT THOMAS REYMOND to SIR PHILIP PERCYVALL, Dublin.

1641, Nov. 10. Liscarrol.—Giving an account of the measures he is taking for strengthening the castle, protecting the horses, &c., and complaining of the difficulty of getting any money from the tenants. Has asked Hodder to move the Lord President for some pieces. Having to keep a court baron at Ballintemple the day before, he had intended to give them all a special charge, but there came not above three of the whole manor to do their service. 2 *pp.*

SIR WILLIAM ST. LEGER to SERJEANT REYMOND.

1641, Nov. 11. Down[erayle].—Sending him a warrant for a dozen muskets or culivers, and desiring him to put a guard into the castles of Welshestowne, Temple Connell and Ballyncurrogh, besides that of Liscarroll. 1 *p.*

THOMAS BETTESWORTH to SIR PHILIP PERCIVALL.

1641, November 12. Moall[ow].—Both your letters came to me at the same time. I am infinitely thankful for your affection and care. "I do not observe that in general the people here are more terrified than they have cause to be, though in some particular persons the apprehension of danger works more strongly. Captain Hargill is gone to Cork to dwell, which gave occasion to a friend of ours wittily to say, 'a captain, a castle and a coward, ingrafted on the stock of one crabtree.' Mr. Philpott is gone to Newmarket, which are all the removes I hear of in these parts."

I think your land outside the park had better be let, and believe that "William Jud will give as much as any other, and indeed, though I do not think him very honest, yet he is but such a knave as you shall every day meet with in your dish of pottage." Mr. Jephson is very "apprehensively active" in these times of turbulence, as becomes the issue of such a father and grandfather, and there are few men in the province fitter to lead a company of foot or a troop of horse. 1¾ *pp.*

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

1641, November 13. Downerayle.—On the first advertisements of these troubles I gave orders to have the castle of Liscarrol secured, and since then, the grate at Welshestowne has been substantially hung and a ward put within it, and Ballincurry Castle is secured. Only Castle Connell rests in the hands of those that

* *See* Report IV. of the Hist. MSS. Commissioners, Appendix, p. 166.

sold it you, and I have given order that they may be quietly removed. I have given warrant for furnishing Reymond with guns and powder, and will be as careful of your estate as of my own. "But I must tell you under the rose that the State take little care of the safety of this province, for instead of strengthening us they enfeeble us all they may; for they have taken from us all the companies we have always had except three, which is a very great discouragement to us, and an encouragement to all evil-affected people. I did rather expect they would have sent me three or four troops of horse at the least to have strengthened these parts, but, as they have ordered the business, I am not able to make any manner of defence against any that shall invade us, therefore if you tender the welfare of these parts, solicit earnestly the sending of three troops of horse hither, for I assure you that my poor troop is all the strength of this province, for, setting aside the corporations, I dare assure you there is not arms to furnish two hundred men, allowing every gentleman to leave at home for the defence of his house two or three pieces, which is but a very slender proportion, therefore there can nothing be expected at my hands, if any insurrection should happen, which I am very hopeful will not, for I cannot hear of any intelligence they have with those parts. That being granted, and the taking of the Castle of Dublin being prevented, all those insurrections of the North are not worth consideration, for if they had been handled and pursued as they should have been, with no other but with the King's standing army, they had been by this time utterly routed and defeated, or else I know who must have been a coward. No, believe me, Sir, there needed no more but part of the horse of this kingdom with a very small proportion of foot to have utterly discomfitted those rebels. Therefore if the Lords have disfurnished the store to arm your neighbours they have done one of the most unadvised things that ever was done by a state, for had I arms, I could draw together three or four thousand good protestants, on whom we might have relied; but to put all our strength of arms into the hands of another religion, religion being the pretence of the war, is a thing, I confess, beyond my understanding. The Council here and myself have by this messenger represented to the Lords the weak estate of this province. We have made a demand of horse and foot to be sent unto us, and a proportion of two thousand arms and ammunition proportionable, which, if I may have, I shall by God's assistance, give them a good account of this province. Otherwise, there is an old rule that says that with nothing, nothing can be done." I pray you present my service to all the good company at the Bridge foot and to your own sweet lady. 3 *pp.*

Ja. Sall to Sir Philip Percivall.

1641, Nov. 14.—Your letter gave me great comfort, "things being represented here far worse than they are. I hope by this the rebels' throats are all cut. God send them no better end." I was driven to borrow money to pay

your rent to Mr. Butler, and have not now forty shillings to command. John Barry owes me seven score pounds. All the people here are "struck into a mighty fear" so that those who owe me money and had it ready before this alarm will now pay none. [Details concerning the tenants and estates.] "Young Hackett has got himself into my lord President's troop, and begins to abuse his neighbours by wounding and battering. It would much take off his courage to be put out of that employment." 2 *pp.*

PHILIP O'DWYRE to SIR PHILIP PERSIVALE, at Dublin.

1641, November 16. Dundrom:—I have received your letter, and thank you for the kind expression of your love and care. "Here is no stirring, God be praised, in this province, but everyone preparing of men and arms according [to] their ability," the Lord President and Council of Munster having sent letters to all men of note in the county to make a return of what they can furnish. It will be to little purpose, for want of arms and ammunition. [Private affairs.] 1 *p.*

WM. DOBBINS to SIR PHILIP PERCIVALL.

1641, November 18. Chester.—I wrote to you after landing at Neaston. I have brought my wife, who is now reasonably well, thank God, to Chester, and have sent for horses to fetch me home. [Private affairs.] "My prayers shall never be wanting for you and yours, especially in these miserable times, and my soul and heart doth grieve for you. I wish your sons were with me, if you and my lady think it convenient. The King is expected certainly in London this day sennight, but not yet come. The Parliament and whole state of England are very sensible of the present condition of that kingdom, and the Londoners cheerfully have advanced as much money as was required for a present dispatch for that service, and more will, if need be. The men are raising, and will be here, some of them, this next week. The shipping is here stopped to carry the soldiers over. . . . God of his mercy protect you and yours." 1¼ *pp.*

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

1641, November 18. Downeraile.—I thank you heartily for your news, and will not be your debtor if I ever come upon the stage of action. "All I can write from here is that we are all in peace and quietness, and no other appearance but of quietness, unless they take courage at the fears of the English, whom I have much ado to contain from running away, or that they see the northern rebels prosper so well, and so little done to them, for which somebody hath much to answer, if I understand anything either of war or government, but it is very likely I do not. Yet methinks the State have a very great opinion of me, or else a mean value they put upon this province, that they think I and one poor forty horse is able to order all that may be amiss in

these parts. I beseech God that these courses may not rise in judgment against my friends, unto which may be added putting the King's arms into Papists' hands, when I am confident I could have sent them four thousand protestants out of this province. It may be it will be said they have no money. Will any man think of money at such a time or upon such an occasion? When the country is full of meat and drink, no man would grudge the giving of it, and if they should, *salve populi* is to be preferred before all." Your castles are safe in the hands of honest Englishmen. I have pressed Mr. Hodder hard for money, but he says the tenants pretend much poverty. Meanwhile, Tom [Bettesworth] and I will do all that is to be done. *Holograph.*

Postscript. "My wife had some stools and chairs in Will. Dobbins his hands, of which (he being most valiantly run away) she knows not where to gain an account. She entreats you to to enquire after them, and to give them house-room in some garret, until she can send for them. *In his secretary's handwriting.* 1¼ *pp.*

Sir John Dongan to Sir Philip Percivall.

1641, November 19.—Understands that one of his name, Robert Dongan, has been committed to prison, and, without extenuating his fault, prays Sir Philip's mediation for his release. 1 *p.*

Thomas Bettesworth to Sir Philip Percivall.

1641, Nov. 22. Moall[ow].—I have nothing to add to my former letter, save that Mr. Hodder and I, being appointed to muster the English about Buttevaunt and Bruhenny, find that there are about sixty men furnished with arms, whom we have enrolled, and authorized Serjeant Ryman [Reymond] (whom I hope you will find an active and honest man in your service) to exercise them. There are about forty other able men who want arms. Lady Gifford prays you to convey the enclosed, and to forward any letters directed to her from Castle Jordan side. "We begin here to droop much and languish much with a fear that these rebels will grow more numerous and vigorous through the procrastination used in pursuit of them. I beseech God of his mercy, deliver us, bless you and your family, and send us a friendly and merry meeting." 1 *p.*

Sir William St. Leger to Sir Philip Percivall.

1641, November 22. Downerayle.—"This day I know you will receive mine, sent by Tom Pigott, if he be not taken by the way, which he may very well be, if it be true that I hear that the Birnes and Tooles are in rebellion, unto whom they add the Cavenaghs, which God defend, but if it should prove true, the delivery of the arms unto Mr. Bagnall was to good purpose; but it is all of a piece, for I infinitely fear there are some friends of yours and mine that have very much to answer for, and especially

for parting with the King's arms, and leaving the greatest and most considerable part of the protestants of this kingdom unprovided, unto whom they have left no manner of defence but my poor carcase, that is sorely threatened if the advertisements be true that I receive from the rebels of Leinster, as well as from the friars of Munster. It makes me sometimes wish our women and children were in some place of safety; for my own part, I do not value my old carcase, yet I would not wilfully or foolishly lose myself. There might be better use made of me in these times than wilfully to expose me to the rage of a multitude, but I assure you, if my honour were not engaged, I would provide for the safety of mine as well as others have done. I neither want wit nor judgment to do it, but I scorn to save my life or theirs upon those conditions. I pray pardon me, for I am very full to see this province that is my charge to be so grossly neglected; no money, no ammunition, no arms, no horse, no foot nor nothing else that is fit for men to have, not so much as advertisements of what passes, by which I might conjecture something." Pray ask Mr. Loftus to pay to you the remainder of the £3,000 promised me. 1½ *pp.*

John Hodder to Sir Philip Percivall.

1641, November 25.—[Particulars about the estate.] Your honour has, in this two years, had nearly 800*l.* from me for that unlucky bargain in Connogh, Ballyrone, and Mac Mintreny, all which I am now in hazard of losing. If I had kept my money and paid my debts, your worship would now have been in my case, but I cannot blame you, for it is my own folly. Howsoever, I pray you and Mr. Fitzgerald not to be too hard with me, for you know I have stock enough to pay my debt, "but now, as the times are, none will buy but all ready to sell, for we live in great fear."

The Castle of Liscarrol is made very strong, but we fear losing it, as Serjeant Rayman has not men enough and none will leave their houses till I begin. I intend to remove to Liscarrol on Monday next and then more will follow. We must have at least twenty men. I have placed two English men in Temple Connell to keep it, giving them 5*s.* a week, until I find some willing to flee to it for shelter. I have made a company of eighty of your English tenants, and Mr. Fitzgerald and we muster them every week. Forty have pieces, and I have sent to Mr. Courtnye for thirty picks. Pray write to my Lord President not to call any of your tenants from your own land, for we have four castles to keep, and little enough for it, and all Mr. Fitzgerald's men will fly to Castle Dodd, which I have made very strong.

The Lord President has a list of our men, and I fear he may take many of them. Liscarrol is the strongest hold in the country, better than Mallowe or Donnyrail; "if the enemy gets it, it will do more hurt than all the castles in the country, but I hope they shall never have the power." 4 *pp.*

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

1641, November 27. Downeraile.—Your castles are all very safe, and Liscarroll, into which Hodder and many of your tenants have retreated, is by Rayman's directions made strong enough for any running army. None of your rents have come in, except 30*l.* from Burnam, and I have given your serjeant order to distrain. Hodder tells me you gave many of them time, but I take no notice unless I see it under your hand. "As to the selling of your stock, it is not to be done, if you would sell it for less than half the worth of it, therefore set your heart at rest and fear it not, for I am confidently hopeful that they are in no danger, nay I durst insure them upon easy terms, if the State will but send me two troops of horse, which is but a small request. I having a fourth part of the kingdom in charge, it is more than reasonable I should have a seventh part of the army to defend it." I send you a copy of my letter to the Lords Justices and Council. "If I understand anything of the wars or government, all is lost for want of counsel and resolution, and as to your fears within yourselves, is (*sic*) the meanest of all others, where you have men and arms to compel obedience and to secure all your suspects. Add unto this a citadel that commands all, makes you as safe as you can be upon earth, and if this will not serve your turns you must die and go to heaven, for there is no security for you on earth. . . . You say the arms that were given out of the store were assured upon good consideration. I know not what you mean by assuring, but if you mean anything but calling them in again, we are all in danger to be undone." It was a strange answer which was given you, that the companies were carried away from here because they were dispersed, for, had anything threatened, I should have drawn them all in to Cork, where I had a fort, and so made sure of one good port for his Majesty, which now lies at the mercy of the people, and from there could have answered all alarums. It is very strange to me "that when his Majesty hath been at great charge to raise good, substantial forts, and given them in charge to particular men, that these men should be called away and the forts left ready for the enemy to walk into."

Postscript. "Tom [Bettesworth] will not leave hunting and ploughing for all this. He is not half so much afraid as they are in those parts." 2½ *pp.*

SIR PERCY SMYTH to his brother[-in-law], SIR PHILIP PERCIVALL, in Dublin.

1641, November 29. [Ballenatra.]—I must answer your letters briefly "for we are all thinking of nothing but defence, the news being this day come that the northern men are approaching toward Sleve Bannegh. God fight his cause, and fit us for what it shall please him, and send us peace." I have not yet got a penny of your moneys, neither am I likely for awhile, but let the times prove never so bad, I will do the best I can to serve you. 1 *p.*

Sir William St. Leger to Sir Philip Percivall.

1641, December 2. Clonmell.—"I beseech you excuse me in this case of extremity that I write not with my own hand, for I am so oppressed with a multitude of tumultuous business, and my hands so filled with infinities of letters, advertisements and complaints of all hands from the English, which come to me like Job's messengers, one on the neck of another, that in good faith I have not the liberty to put pen to paper, nor indeed leisure to bethink myself what to write by the hand of my servant. But in brief the state and condition of us is thus: there is not left in the county of Kilkenny one Englishman or a protestant worth a groat either within doors or without. They have already taken all my lord of Ormond's cattle, they are at work in the county of Waterford, and falling to work in the county of Tipperary; and in conclusion, within one fortnight county Cork and Limerick and all will follow, if some speedy course prevent it not, but I believe Cork will hold out the longest, yet that, when the rest are gone, must go, so that I must profess to all the world that if speedy help be not sent into this province this kingdom is utterly lost for want of timely care taken over it. I am at this instant putting foot in the stirrup to go seek out some of this rabble that are come out of the county of Wexford into the Galtyre in the county of Waterford, and do there spoil and pillage all about them." *Signed.* 1 *p.*

The Same to the Same.

1641, December 4. Waterford.—"I must needs give you an account of my last day's work with the rebels, and they shall be both of an equal briefness, for having left Clonmell the night I last wrote unto you, I came to a town called Mohill, where I took about twenty of the rogues, and rescued a prey of three hundred sheep and fifty cows belonging to one Wallis, an Englishman. From thence I pursued them down to the Passage beyond Waterford, where the main body of them was hastening to get over the river as fast as possibly they could, so as I was constrained to ride half a dozen miles as fast as my horse could carry me, with only my lord of Inchiquin, Will. Jephson, Redmond Roche, young Will. Fenton and Will. Hide in my company, and two or three of my own servants, and such good speed we made that we found about three hundred of the rogues on this side, and almost all their prey, which was a very great one. We presently fell to charge upon the rebels, and killed very near seven score of them, the rest or many of them we took prisoners and carried to Waterford, where we intend to execute them. And thus you see I have broke the ice here, and if they will direct that they may be followed, it will do well; otherwise these rogues will seek a revenge, and if they do not see some considerable strength in my hands, all of them will fly out," and therefore I pray you urge the sending of assistance and supplies *Signed.* 1 *p.*

Endorsed: "Lord President. The chief leaders were a grandson of the late Viscount of Mount-Garret, and one Kevanagh; the latter killed, the other escaped."

LORD INCHIQUIN to SIR PHILIP PERCIVALL.

1641, December 6. Waterford.—Begs assistance in the speedy dispatch of those letters which the Lord President has desired the State and Lord Ormond to write on behalf of himself and Mr. Jephson. Has undertaken to solicit the case for both, as Mr. Jephson cannot be spared, and prays that—if the Lord Lieutenant is come over or the letters will not find him at Court—Sir Philip will be a means to get the letters immediately directed to his Majesty. *Holograph.* 1 *p.*

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

1641, December 11. Clonmell.—"I believe I have received all your letters by Jack Roe, Mr. Phil. Roche, Mr. Dwyer, &c., and have answered all but the two last. I am very sorry that I cannot get one penny of your rents except the 30*l.* from Will. Burnham. Cattle will not yield anything either, and no one will give twelve pence a piece for the best English sheep in the country. "But that which I am most sorry for is that all your sheep at Dunskea and in that county are gone and spoiled, and all my tenants at Synone. After I came from Waterford I had news of the rogues being in those parts, and immediately by night I went after them, and overtook some stragglers of them whereof I slew about fifty, and recovered part of the prey (of your cattle and mine own) but so harrassed as they were not worth anything. And while I was doing this, the country rose up behind me in every place, so that having worn out my horses and tired my company, I am constrained to go home to see if I can preserve anything for you or myself in the county of Cork. . . . Unless sudden succour come, all the English will be utterly destroyed. The assistance hoped for out of England is good and comfortable, but the slow coming of it will prove very fatal, I fear, for ere that can be here, our ruins will be effected. I am sending my lord of Inchiquin into England to present the condition of this province unto his Majesty and the State there, which is as much as I can do. I can never in my thoughts excuse those who have suffered this flame to rise to such a height, for if at first the traitors had been but roughly handled (if but as I have dealt with them with what poor force I had) surely they could never have attained this superiority over us. But God I hope will have the upper hand of his enemies in his own time. *Signed.* 1½ *pp.*

SIR PERCY SMYTH to his brother[-in-law], SIR PHILIP PERCIVALL.

1641, December 11. Ballenatra.—All things here are "so extreme out of order" that trade is quite dead, and if I offered your stock for sale I should not get a quarter its value, and no money neither, but must trust rascals who would never pay. "As yet, I thank God (more than those outlandish thieves, which came out of the county of Wexford into our county, which my

Lord President and his company defeated), we hear of little harm in this province, yet are we all on our best guards. God in his mercy send us relief, without which all our preparations is in vain." [Particulars of rents &c.] 2 *pp.*

THOMAS REYMOND to SIR PHILIP PERCIVALL.

1641, December 13. Liscarrol.—There are no great losses hereabouts, but some straggling rogues show themselves abroad. "Upon the rumour, all the English tenants got in hither, by the appointment of Mr. Hodder, but suddenly they left their wives and children and went away, to my great trouble. If they come not back to guard this place ere long, I desire to be excused for throwing their goods over the wall. They are all for their own security, none for yours, and care not what they speak, &c.

"I have found the well, and have very good water in the tower you wrote of. . . . I desire you write to my Lord President that I be better supplied with arms and munition. . . . . This place is so vast that it requires good store of men as well as a great deal of munition. There are but few hereabouts that help us."

Abstract by Sir Philip. Noted that the letter reached Dublin on Jan. 14 *and Chester on Jan.* 24 *and has been sent to London to Ed. Smith.* 1 *p.*

THE SAME to THE SAME.

1641, December 15. Li[scarrol].—All is well here as yet, but there are risings about us and much fear through the country. I have done all I could by means of friends with the chapmen of Cork, Youghal and other places, but can sell no cattle at all for "there is not any will part with a penny of money." I shall get them slaughtered and barrelled as fast as I can get casks, for I hear with much grief of the great loss which you and others have had in Tipperary. I yesterday discovered a treacherous plot between a man of Mr. Percyval's and your groom Richard Barry to ride away with two of your best horses to the enemy. This Richard has been a doubtful fellow ever since the first news of the rising, and for a month past I have not trusted him to lie in the castle. Now I have turned him away. "Here are many such treacherous fellows hereabouts, but I have rid part of them away by plucking down their cabins, and setting them up for honester men, I hope, within the castle bane for security." I lately held a court at Ballintemple and called upon the tenants to bring in their back rents to the Lord President, but their answer is you may take all their goods if you please, for they have no money, nor means of getting any.

Postscript. "It is hardly safe for me to go abroad as matters go, for this place is much aimed at by reports; but it is now pretty strong." 2 *pp.*

LORDS JUSTICES and COUNCIL of Ireland to SIR HENRY VANE, Secretary of State.

1641, December 15. Castle of Dublin.—Certifying that Sir Philip Percivall, now about to repair to England, has done his Majesty good and acceptable service for many years in Ireland, having "travailed with so much industry in the public services of the Crown, as well in his particular employment as otherwise, with forward affections to his Majesty and good satisfaction to this State, as renders him very worthy of extraordinary favour and encouragement," and humbly recommending him to the King accordingly.

Signed by Sir William Parsons and Sir John Borlase, Lords Justices, and by the Earl of Ormond, Robert, Lord Dillon, Charles, Lord Lambert, Sir Adam Loftus, Sir John Temple, Sir Robert Meredith and Sir Fras. Willoughby. 1 *p.*

RICHARD STOKES to his master, SIR PHILIP PERCIVALL.

1641, December 17.—"We have lost 3,000*l.* stock by rebels in Killemanagh and Clanwilliam, but the Lord President hath given twelve days respite to make satisfaction or else to suffer." Mr. Philip O'Dwyer is keeping what he can for you, but Edmund O'Dwyer of Ballymone has taken at least four hundred sheep and put them upon Ballytemple and Ballybrowngh. He intends to keep the land, and has spoiled your servants' gardens and taken their corn. "For the castle, we keep strongly guard, otherwise we had been betrayed and lost it." I have a list of eighty persons who have taken your stock. This loss is not your worship's alone, but every English gentleman in these parts has lost all; Sir Hadricke Waler [Hardress Waller], the Lady Southwell, Mr. Obrey and Mr. Groves have lost both all their sheep and cattle. 1 *p.*

SIR PHILIP PERCIVALL.

1641, Before December 20.—Paper endorsed "Minutes drawn by old Sir Philip Percivall in order to framing of his will." By this, he makes his eldest son John his heir, with reversion (in each case in default of issue) successively to his sons Arthur and George, any other sons that he may have, his daughters, the heirs of his father Richard and his mother Alice, the heirs of his grandfather George, the heirs of his cousin Edmund Percivalle, of Ringwood, Hants, and his cousin James Percivalle, of Weston, co. Somerset. 2¼ *pp.*

1641, December 20.—Two copies of Sir Philip Percivall's will signed on this date, with codicil of Feb. 21st, 1643-4, one of them being a certified extract from the Register of the Prerogative Court of Ireland, with note of probate, March 23, 1663[-4]. 4 *pp.*

SIR WILLIAM ST. LEGER to SIR PHILIP PERCIVALL.

1641, December 20.—I believe that I have received most of yours, but as few of them have dates, I cannot give you a particular account of them. There can be no thought of

receiving any rents here, and we must look about for some other way of subsistence until God send more quiet times. "I have received commission from the Lords to raise a regiment and three troops, but neither money or arms, and what I should do with men, or how support or use them without both those, I hope you are able to judge, so as in that particular their lordships had as good have done nothing. The enemy here threatens me shrewdly, and intends, as he says, to dine with me on Christmas day; but that he may not be put to too long a march, I intend to meet him by the way in Condons or Clanwilliam. Sir, I have neither time or matter to write more, but that I am here in a most miserable, naked condition."

Signed. 1 *p.*

ALICE FITZGERALD to her brother [SIR PHILIP PERCIVALL].

1641, December 28. Blue Mores [Beaumaris].—Having landed at Blue Morris, I was loathe to put to sea again, and my husband directed me to stay here till fair weather. "My cousin Jack is very well and merry, thanks be to God. He would fain have gone with his uncle to Chester, but I was loathe he should remove without your direction. . . . Here is a very good free school, and the boys were at school before Christmas, and we live reasonable cheap, yet I would fain live near you." 1 *p.*

Endorsed by Sir Philip: "Sister Fitzgerald."

JAMES SKULLY to SIR PHILIP PERCIVALL.

1641, ——. [Castlewarning].—"I send you heavy news. The goods, cows and horses that was here are taken last night by the rogues, Scurlock's company and two companies more besides. I do not know what to do nor how to write to you. Send sacks, wheresoever you get them, to take this corn down. I have saved the musket and fowling piece and what powder and shot that here was, by great ado. It was our own threshers that betrayed us and led these rogues in every place. I have paid Robert 1*l.* 12*s.* of his quarter's wages, and Mary 2*s.* I cannot keep them here by no persuasion, but I will thrash the corn and send it if you will send sacks, for here is none. I might write more but I think this same too much. I will write whether I shall have any of them or not, for I will follow them if I die."

Copy. ½ *p. Jas. Skully was bailiff at Castlewarning.*

SIR PHILIP PERCIVALLE to his brother [SIR PAUL] DAVYS.

1641, ———. I sent yesterday for five horses which I had promised for the service, and receive this answer [*i.e. Skully's letter*]. "I have the best part of a hundred barrels of corn thrashed, and I have three times so much to thresh. I had fifty horses and garrans, great and small, a hundred and sixty cows and three hundred sheep yesternight, but I thank God I have none now. If you can advise me how to get the corn down, or by what means cars and sacks may be pressed, you will do me a courtesy, else all must be at their mercy.

Scurlock is my next neighbour and knows what I have, and where it lies, and has requited me well for 100*l.* I lent him the last summer on his father's bill, to raise his company for Spain." *Draft on the same sheet as the preceding.* ½ *p.*

SIR PAUL DAVYS to his brother[-in-law], SIR PHILIP PERCIVALL.

1641[-2], January 1. Dublin.—"I sent yesterday to the letter office to see what letters were there directed to you. I found the enclosed, which cost me one and twenty shillings, and cost me withal two hours labour last night to read them. Now you shall have them, and I mean not to forgive you my one and twenty shillings, which perhaps you will say is sufficiently repaid me in the intelligence I have gained. . . . . On the 30th of December, Sir Simon Harcourt arrived with his fourteen hundred men, but he brought arms only for eleven hundred, which I wonder much, seeing (as we hear) the arms for the stores are come to Chester. If they be, I pray hasten them away.

"The day after you went, some of our forces went out to Santry where we heard that Luke Netervil[*] was entrenched. His men shouted, hoping to deter our men, but when he saw our men coming up to him to answer him not with shouting but with blows, Mr. Netervil with his formidable forces fled away, and never left running until they were gone seven miles off. Sir Charles Coote then burnt Santry and so marched towards Finglas, where Colonel Crawford was appointed to meet him (a numerous body of the rebels being there). In the mean time, the Earl of Ormond (who, with six or eight horse attending him, was on the green), rid towards Finglas, where his Lordship (coming thither with those few horse) found Col. Crawford with five hundred foot. The Earl, with Sir Thomas Lucas and other gentlemen, even in the head of those five hundred men, had many bullets shot amongst them by the rebels, and Colonel Crawford's lieutenant was shot in the nose. But in the end, after half an hour's skirmish, with the loss of one man of our common soldiers, and six or seven of theirs, the rebels fled, and some say they never left running until they got to Navan. Thus you see the rogues are routed wheresoever they are encountered. Now our strength increases, the neighbouring rebels will hear of us every other night. We hope if we be not able to relieve Drogheda by sea (which some conceive feasible) to do it by land, but that will cost bloody noses. However by God's help we hope to carry it; of this I pray say nothing." I opened a letter from Lady Newcomen to my brother John [Usher?], and finding it contain directions for hastening in her rents, I keep it, and will try to help Tom. Sheppie to get them in. Our Parliament is prorogued to June 21. Mr. Secretary wrote me a letter to the effect of yours, I will answer him by the next post. Yours of Dec. 28 has just arrived, and I will show it to my Lord anon. I have no time to write to my mother or brother Ussher. Pray excuse me to them. 3 *pp.*

[*] Son of Lord Nettervile.

NORRIS MULYS to her brother, SIR PHILLIP PERCIVALLE.

1641[-2], January 3. [Dublin.]—I give God thanks for your safe arrival. "God be thanked here is eighteen hundred volunteers landed. Twelve are cessed here, but we hear others are more oppressed and can have no help. If we have cause we shall complain as you appoint. We hear ten thousand more are now in sight. God send them safe. We are in good comfort by the help of God and these men, and wish you safe here yourself in time, for we hear they are in danger to lose their land that are absent. Patrick is gone to the rebels. Mores [?Morris], as I hear, lets the lieutenant's horses have your hay, upon what conditions I know not; it is feared you trust him too much." I will lay out no money but for necessary uses, but I wish I could receive some. I have had Brown examined before the mayor. He confesses that he sold some of your corn for 44*s.* which Mores and Mary persuaded him to keep. "Judy's nurse hath sold all your sheep for herself; some we have by chance lighted on. I thank God the child and nurse is well."

Postscript. Colonel Barry is with the Earl of Antrim. 1½ *pp.*

SIR PAUL DAVYS to SIR PHILIP PERCIVALL.

1641[-2], January 5, Dublin.—I showed yours of Dec. 28th to my lord Parsons, but there is no possibility of sending to the ports, all the ways being full of rebels. Mr. Richard Fitzgerald gives both the Lords Justices good satisfaction in his solicitation, and my Lord Lieutenant also.

Mr. Edward Keating tells me that he vainly importuned you for even the interest of his money, which you told him you could not pay. If he had only told me this it would not trouble me, but he goes about telling others that your poverty is such, being now robbed of all, that you can pay him nothing, which makes me anxious regarding what your other creditors may do.

"My Lord of Ormond, hearing me tell the Justices and him how you were overburdened with billeting soldiers, said he had a great mind to come and dwell in your house, so to protect you. I had no commission to embrace it, and so it fell." I pray you write to the Earl of Ormond yourself. 1 *p.*

THE SAME to THE SAME.

1641[-2], January 11. Dublin.—Our shipping departed yesterday for the relief of Drogheda by sea, and hoped to be there by noon to-day. Sir Charles Coote and Sir Simon Harcourt marched last night with two thousand foot and two hundred horse to Swords and to-day have had a hot skirmish there with Luke Netervil and some three or four thousand rebels, "wherein alas Sir Lorenzo Carie was slain by a musket bullet which shot him through the head, and he died in the place, but the enemy were in the end routed; many of their men slain, some say three hundred, and but three men of ours, besides Sir Lorenzo, more considerable than a thousand men of theirs. Our men,

(thanks be to God), having burnt Swords, are returning just now victoriously into the city." The rebels lost three colours and some are prisoners, but whether any of note were slain we do not yet know.

Postscript. I think that the rebels had advertisement of our men being at Swords, and apprehending that they were sent to relieve Drogheda, drew all their forces together to resist them, thereby perhaps facilitating the entry of our ships at Drogheda. About twenty of the Commons and half as many of the Lords met to-day and prorogued Parliament to June 21. On Saturday last Sir Henry Tichborne slew three score of the rebels, and the week before twice as many, who were offering to assault the town. 2 *pp.*

SIR PAUL DAVYS to SIR PHILIP PERCIVALL.

1641[-2], January 11. Dublin Castle.—"Since I sealed my letter of this day's date, I spake with Sir Charles Coote. There were but two of our men slain and those common soldiers, besides Sir Lorenzo Carie, and there were slain of the rebels above eight-score at the least, perhaps many more. Sir Arthur Loftus slew five men with his own hands, with his sword, so bravely and valiantly did he carry himself. I pray let his mother know how gallantly her son carries himself." ¾ *p.*

NORRIS MULYS to her brother, SIR PHILIP PERCIVALL.

1641[-2], January 12. [Dublin.]—Sir Charles Coote has burnt Swords and killed above seven score rebels, and the rest ran away. "Captain Dorrense Care (*sic*) is killed, shot by mischance of one of our soldiers, and four men more killed of our side a Tuesday. The rebels kill and strip daily still, God preserve us all from their cruelty." The lieutenant has only paid for two barrels of oats. He is here still, and I have sent to Colonel Barry, who says he shall be removed. We have twelve soldiers of the new governors', Sir Simon Harcourt's regiment, which must stay in the city and not remove. I have complained but can can get no ease. Mores says he has received 10*l.* from Col. Barry and will sell what oats and hay are left to the Earl of Ormond for ready money. Pray tell my sister Fitzgerald that the children are well "but nurse is not willing to go over. I wish they were there, for fear of dearth." I can get no money on your note, and Barley wants 42*s.* for chief rent. Pray send me directions what to do.

Postscript. "The child is not very well; we hope it is but teeth. Philip remembers his duty and desires your blessing. Pray send directions what course to take with Tib and Tom. The garden is all spoiled with cows, and the trooper gives ill language. . . . The troopers tell us Finglas and Swords is the King's, and what hay and corn is saved, so I fear we shall all lose our lands. . . . Captain Bartan[a] has relieved Tradag [Drogheda]

[a] Or Bartlett. See *Cal. S.P. Ireland*, 1633-47, p. 780.

and burnt the sceres and brought away above a thousand pounds of pillage. The Earl of Cork hath sent two priests to town, that came from Spain with letters to the prime men to encourage them to go on and fight for their catholic religion, and they shall have men and money and munition from Spain and France." 2 *pp.*

SIR PAUL DAVYS to his brother[-in-law] SIR PHILIP PERCIVALL.

1641[-2], January 16. Dublin.—"I have no more time to write than to tell you that, God be blessed, we are in better condition of strength every day than other, and that we are all in good health here after whom you are inquisitive.

"We have certain intelligence that our ships got well in to Drogheda on Tuesday night last, on which night Sir Henry Tichborne slew a hundred and more of the rebels that that night adventured on the town. The Lord Esmond is relieved at the Fort of Duncannon by the Earl of Cork, who hath sent to that fort munition of the store brought by the Lord of Dungarvan. The Earl also hath lent to the Lord President of Munster five hundred pounds. The Lord President hath with him fifteen hundred foot and four hundred horse, well armed, and on the 8th of this month there were hastening to his aid from Youghal the Lord of Dungarvan, Lord of Broghill, and Sir William Courtney with their troops. The Lord President was then at Dunrayle. It seems the Lord Roch and the Lord of Muskery stand firm, although the Lord of Mountgarret is out, and associates himself with the rebels. Our troops burnt Dunboyne this day in despite of the rebels. I can stay no longer." *Copy by Percivall.* ¾ *p.*

ALICE FITZGERALD to her brother, SIR PHILIP PERCIVALL, at Chester.

[1641-2], January 23. Blue Morris.—I have received letters from you and from my husband, and hoped to have seen you shortly, but the weather is so foul that we durst not venture, and also Morris hears that there is no room for horses in Chester, and so is loath to stir, his horses being very well here.

Postscript. "I can by no means keep my cousin Jack, but he will needs go, notwithstanding this extreme foul weather." 1 *p.*

SIR WILLIAM ST. LEGER to SERJEANT REYMOND.

1641[-2], January 26. Downeraile.—Stating that he has received a complaint from Mr. McDonnagh that some of the people in the castle [of Liscarrol] have pillaged his tenants at Castleawneally, under a false pretence of searching for stolen cattle; and ordering Reymond to make restitution, and to "maintain a civil correspondency" with Mr. McDonnagh and his people, "he manifesting his endeavours to keep the country in quiet." ¾ *p.*

SIR PHILIP PERCIVALLE to [SIR GERALD LOWTHER, Attorney of the Court of Wards ?]

1641[-2], January 28. [Chester.]—For your care of the distressed [countrymen of yours *erased*] English in Ireland, both when you were there and since your arrival here, as well as for your favours to myself, I can only offer you the empty tribute of thanks. "You well foresaw that our relief hence would be slow. Such to our unspeakable misery we find it, the King's Majesty, as appears by his gracious speeches and proclamations, the Parliaments of England and Scotland, being always ready to contribute to the suppressing of the rebellion, and yet such is our misfortune that only Sir Simon Harcourt's regiment of foot from hence, and twenty two horse of my lord of Dungarvan's from Bristol are arrived in that kingdom that we hear of . . . And that the cries of the poor should come to the King or Parliament, it hath pleased God that above two thousand five hundred souls who escaped the enemy's sword are dead through cold and famine at Dublin and in their way thither; and of those that have arrived here (which are many) who are dispersing every man as his hopes leads him, not many to London, where they hear to all our great griefs of no such accord as we expected at our flight, but every day enough to wish ourselves even there from whence we came. *Draft by Sir Philip, endorsed:* "To Mr. Att." 1 *p.*

LORD INCHIQUIN to SIR PHILIP PERCIVALL.

1641[-2], February 1. London.—I thank you for your kind recommendation of my business to the Lord Lieutenant. He does not seem disposed to favour me, "but I have (I thank God) gotten my business reasonable well effected notwithstanding, for I have sent away two thousand spare arms and ten last of powder, and am to-morrow ready to follow them with a good part of my troop which I have raised here, being fearful that my troop being a hundred, it would be difficult to get them all there. And I hope that Will Jephson and I and Sir Charles Vaviser will within a fortnight be in Munster, where we are daily expected and (I am afraid) wanted. But yet I thank God my Lord [President] is not in so ill a condition as that he is forced to leave any place for fear of the enemy, neither do I think that the reports (of the taking of Youghall, Kinsale and Waterford) that are confidently brought into the House of Commons, are true, for here is young Clayton newly come, who tells me he knows not of any such matter, though he left Youghall but ten or twelve days sithence, and he says more that he knew not of any that were out on Youghall side of the water. My Lord of Muskery holds loyal as yet, but his followers go all out, which he professes he cannot help, but you and I may think what we please. My Lord Roch and McDonogh dare not stir, because my Lord is so near them as that he would presently be upon their skirts, but some of their followers do pilfer and run away with it by night to some place where they may kill what they steal, and there only take a belly-full and leave the rest."

Dick Fitzgerald says he will send you the news of this place, but neither he nor I may safely write what we believe. I think your best way to direct letters to the Lord President is to send them here by post, to be sent from my Lady Ogle's to Miniard [Minehead?] where we shall have a post-bark to carry news.

My Lord President is at Downeraile, our wives and children at Bristol, your sister Smith at Youghall, where my lord of Cork is, and Lord Dungarvan governor. *Holograph.* 2 *pp.*

THOMAS EDMUNDES to SIR PHILIP PERCIVALL, at West Chester.

1641[-2], February 8. Worsbrough.—No man is more sensible of this unhappy rebellion, nor shall more readily express that sense by votes and actions than myself; and nothing but biting necessity shall induce me to call on you for my debt until things are in a better condition. "I hope yet in the Almighty we shall have clearer times than formerly, after the dispersion of these vapours, which I fear not but a little more heat of the sun will exhale, and then surely land will be cheap in Ireland; which to settle to posterity, a true and certain way was utterly to extirpe and extinguish the papist; which England and Scotland may well enough effect, and never better cause nor colour for it than now. . . . I pray heartily and daily that the Lord of Hosts will go out and in with our armies, and beyond our merits work his own glory in our deliverance." I am glad to hear that Mr. White is with you, and hope soon to hear of Mr. Maule's arrival also. Pray direct to me at Mr. Henry Rawling's, at the Star in Fetter Lane, London, and he will send it hither to Worsbrough. $1\frac{3}{4}$ *pp.*

CAPT. FRANCIS CAVE to SIR PHILIP PERCIVALL.

1641[-2], February 15. Brooksby.—I have received your letter, telling me that you and yours have safely come to Chester, which I am glad to hear, though heartily sorry for the cause. I should come to see you but for the distractions in our country, "and that all men are jealous of the papists here, so that I am forced to stay at home to attend more freedom." If you should come into these parts, I shall be proud to see you and my lady at Brooksby. "I am sick to see so slow a proceeding above for the relieving of that sad country. I pray God the blood of many cry not out against those that have been the causes of this slack sending. . . I hear my Lord Ensequen and Mr. Jepson are both in London as yet. We have here in the country such straggling news printed that I know not what to believe. Of late tis reported that the rebels have had a great defeat, but where I hear not. Others report that Sir Simon Harcott is returned discontented and great complaints after him; some say my Lord of Antrim is turned to the rebels." I pray you tell me how matters stand, and what great lords are out in Munster and other parts. Present my service to Lady Blundell and to your good lady.

Postscript. If you write, send your letter to Mr. Fletcher postmaster of Coventry, and he will forward it. 1 *p.*

WILLIAM DOBBINS to SIR PHILIP PERCIVALL.

1641[-2], February 15. London.—I have received your two letters from Chester, and humbly thank you for them and for your kindness to my cousin Wallington. I have sent your letter to my father-in-law by Mr. Stillingfleet, who presents his service to you, and his obligations for your love and care of his son, whom he desires may continue with you unless he be burdensome. My cousin Smith has sent you all the news, printed or otherwise, unless it be the enclosed which came forth this morning. "You will perceive that the Commons and major part of the Lords (now the popish Lords and Bishops are outed from their votes) do agree well, and the King hath and doth leave all wholly to them. God be thanked and continue this harmony, and I doubt not but the rebels in Ireland (though long first) will be quelled, and the rather because the Irish owe the merchants here twelve hundred thousand pounds, which they want, besides the loss of trading with them; and they are continual and earnest suitors to the Parliament to despatch aid away, and did make certain propositions as if they would undertake the charge of the war, but it did not take effect. Lord Inchiquin and Mr. William Jephson have got a thousand foot and a hundred horse apiece, with all arms and things complete. Part of their forces are at Bristol ready, and the last of the arms now leaving the town. Here is talk that the lord of Cork is at Bristol, and he is (as he deserves) thought to be an ignoble lord. The poor President, with Sir William Courteney and some others, fifteen hundred foot in the whole besides horse, stand upon their defence still. Lord Muskerry and Roch and Callaghan I hear are out, but no certainty of it. Two thousand five hundred Scots are ere this landed in the North as it is hoped. The commission went hence five days since and they were at sea-side before, expecting it. The whole army intended to be in pay is fourteen thousand English and ten thousand Scots, which, being well provided and supplied, is hoped will do the work this summer; and now the bill for pressing is passed, no more delay (it is hoped) will be used, and until we see the event of things we must be content and pray for the best. My Lord Lieutenant hath a great hand in the denomination of the commanders, whereby he loseth nothing, yet the Parliament did strike out some of those who were nominated by the King and allowed by the Lieutenant, and especially those which came with the King to the Parliament house, amongst which number, unfortunately, was your brother James Usher, who is not like to get any employment, as I hear.

The Queen is gone towards her intended voyage into the Low Countries and the King with her (as far as Dover.) He hath been long looked for here and is still expected and hoped to be here upon his return."

All manner of employments are at a standstill, (unless it be in martial affairs, including some of benefit, such as my lady's grandfather, Sir Rob. Newcomen, had), yet I advise you to come up to town, to continue your former acquaintances and gain new

ones, and especially the Lieutenant "who is very shy and quaint in endearing any of the English of Ireland to him or the present affairs. . . . There is little true respect had of any in Parliament who have been active and able men in that kingdom, and whose honest endeavours for the King's benefit might merit better. But they with the rest are involved in the general pity for their present miserable condition, and unless a man honour the rising sun, and puts himself forwards, he may soon be huddled up with a multitude in oblivion."

Concerning your wish to have Jack at school near you, I think Chester very ill-accommodated for the great companies that will be there on this service, and extremely dear. Worcester is a good school, and a convenient place to live in, only about sixty miles from Chester and in the heart of the kingdom, "if troubles should be occasioned by a foreign enemy (which God forbid). As for our homebred enemies, the papists, I doubt not now of quieting of them." It is out of the road, but you and my lady must judge whether that is a conveniency or otherwise. If you please, when I come into the country, I will go there and make inquiries. There is a rumour that all the Parliament men who left Ireland must return for the next session in June. If so I would that another were chosen for Askeaton in my place. 4 *pp.*

EARL OF ORMOND AND OSSORY to SIR PHILIP PERCIVALL.

1641[-2] March 3. Dublin.—"I received three of your letters, which bear in them many testimonies of your continued affection to me and are obligations upon me to love and serve you according to my former inclinations thereunto. To be short, concerning the reports and pamphlets spread of me, Wishard and Chapell* lie like knaves as they are, and my Lord Dillon is mistaken, as a nobleman may very well be. Chapell is this night a guest with the Constable of the Castle by the justice of this state, where he is likelier to turn rebel than I, for I never mean to come so near traitors unless in the field, where we will have very little discourse. The [Lords] Justices have been pleased to write to my Lord Lieutenant that Wishard may be secured to make good his accusation or suffer for his calumny.† If it be proved that I gave anything like intelligence to any rebel, or ever writ to Pale lord in all my life, let me be be accounted what I know Wishard is, a prating false varlet, except my Lord Moore be taken for a Pale lord, and except some one letter to my Lord Fitz-Williams (*margin*, this Lord Fitz-Williams by chance or situation of his fortune is no rebel) about three years since, touching my engagement for his son, So confident I am, and so little correspondence has there been betwixt me and them, and to you it is partly known that all the last Parliament (when doubtless this mischief was in hatching), I

* These two names are carefully cancelled wherever they occur.

† The Lords Justices' letter is printed in Carte's *Life of Ormond*, iii, 60, and their order (dated March 3) to Ormond, to go into the Pale, *Ibid*, 62.

was as far (at least) from complying with them in any of their designs as any man that is now most vehement against them, and certainly it were a strange apostacy in me that then stood for the King's interest in less essential things, should [I] now desert him and join with those that in place of his government would erect one of rapine, barbarism and murder. For my Lord Dillon's instructions, I hope I have long since satisfied my Lord-Lieutenant that I was not only a stranger to them, but desired to be so to the place of deputy, which, if I had affected, it is well known to some I might have gone a more probable way to get it than by the mediation of my Lord Dillon, whose embassy was not from any very gracious persons either with King or Parliament, so that if I had had a mind to it, and they to have me so, I should (with half my wits about me) have concealed the latter, and ventured upon my own score of favour with his Majesty for the former.

On Friday morning, by the grace of God, I mean to go with part of this army to a place called Pato, in the Pale, from whence I hope to send ill-favoured love tokens to my good lords there. When that quarter is bare I will remove to some other, and before I come home I may perhaps persuade their lordships that if I be of their party I dissemble it notably well and act my part to the life, nay to the death of so many of them as come in my way.

In the meanwhile my condition is extreme hard, my being this countryman by fortune, though not by birth, saves me not from the common calamity and loss wrought by this rebellion, nor do I find or desire that for that reason the bullets fly further off me than another man; nay I am persuaded, and so are others that were by, that I was particularly and knowingly shot at the other day, the name of the party I remember not. On the other side, my religion, faithfulness, nor the hazard of my life preserves me not from the reproach and scandal daily cast upon me by those that conclude me guilty because most of my papist kindred and friends are so; but all this shall not move me. Whilst I have the honour to serve the King in the place I do, I will go on constantly, neither sparing the rebel because he is my kinsman, or was my friend, nor yet will I one jot the more sharpen my sword against him, to satisfy anybody but myself in the faithful performance of my charge, wherein I will, by the help of God, do what becomes an honest man. This very day, I received letters from my wife, who is at Carrick, in no very contented condition. I am threatened much that my journeys and spoils abroad shall hinder me from the sight of her, but since it is my misfortune and the reward of my credulity to have her liable to that, I will bear the smart of it myself, nor will I fail to do my duty to the public service, whatever damage I may thereby receive in my private. A letter of Dr. Fenell's to me, written in character [cipher] was intercepted, and he is commanded, I suppose by my Lord of Mountgarret, to unriddle it.*

* See the account of the capture and reading of this letter in Gilbert's *Contemporary History of Affairs in Ireland*, Vol. I., p. 40.

I cannot say nor imagine but that he has been as serviceable to me as possibly he could, and so much my wife intimates to me with some apprehension that he may suffer by it. My present state would distract a wiser man than ever I shall be.

Sir, I thank you for your care of me, manifested by the early stop you endeavoured to give Mr. Wishard's tale, at least to the prejudice it might bring upon me. *Holograph.* 2½ *pp.*

Army in Ireland.

1641[-2], March 11.—Propositions (by Sir Philip Percivall) for victualling the army in Ireland.

That the Commissary General may receive and issue upon account what victuals shall be bought by him or other persons authorised by the Parliament or the Lord General, the waste to be defalked on account, or to be allowed by the soldier on delivery forth of the several provisions.

Or otherwise these rates allowed for these three months:

Bread, per lb., 1½*d.*
Cheese, 12 oz., 3*d.*
Butter, per lb., 5*d.*
Beef, per lb., 1½*d.*

That what money shall be advanced to buy provisions be repaid at the end of every three months "in money, victual or debts of the officers or soldiers," and a weekly account made to the Treasurer at Wars, and the warrants for delivery of the provisions, under the hand of the chief officer of the army or other thereto authorized, be produced to him. That victual to the value of at least 4*d.* a day shall be taken of the commissary by the officer of each company or regiment, for each soldier, and provision for three days at a time. That what is not provided in one kind (excepting bread) shall be made up in another kind at the said respective rates.

That personal entertainment, as set down by the Committee, and reasonable charges for deputies, clerks, storekeepers, &c., be allowed, "one sufficient deputy-clerk and store-keeper at the least being necessary for each magazine."

That carriages, ships and boats be provided by persons authorized by the Lord Deputy, and losses "by fire or water, by the rebels or any accident, and not by wilful neglect, shall be allowed and defalked to the Commissary on his account, and the provision to be delivered by him at the magazines, which are to be only in sea towns."

That allowance be made for building ovens, buying scales and weights and for renting storehouses and cellars, or defalcation made on his account of reasonable disbursements for the same. That warrants be granted for passing the provisions free of custom, and for convoys to transport them to Ireland.

Endorsed by Sir Philip: "The proposition of the Commissary General of the Victual" *and dated as above.* 1½ *pp.*

COMMISSARY GENERAL.

[1641-2, March, before the 12th.]—Queries, in Sir Philip Percivall's hand, concerning the office of Commissary General.

1. What patent or authority Sir Rob. Newcomen had, and from whom?

2. What substitutes he had, and by whom appointed?

3. Whether he contracted himself with the merchants for provisions, or only received them, and if so, who provided them in England?

4. How and to whom he disposed of them and delivered them forth?

5. How he was furnished with money to make provisions and whether any was impressed to him?

6. How, and at whose care and charge, provisions were sent into the country to the army, and how carriages were provided? ¾ *p. Endorsed by Sir Philip: "P. D[avys] W. Uss[her]".*

NICHOLAS WHYTE to SIR PHILIP PEIRCIVALL, London.

1641[-2], March 12. Chester.—Sir Wm. Usher has shown me some queries sent him by you, and I have contributed what I can remember (though you do not deserve it, for stealing away without my knowledge) for your information. [*See enclosure.*] "Believe me, gossip, that [Commissary's] account you will find very full of difficulty and intricacy, and none like it, except it be the account of the Mint, nor would that be more, but for the fractions. And therefore it must be a principal part of your care to entertain an excellent arithmetician, that may be so perfect as in the twinkling of an eye to cast up what proportion of the several sorts of victuals (such as the store shall afford for the victualling of an even or broken number of men) will amount to for so many even or odd days." Perhaps Mr. Bingley, the auditor, may be able to recommend such an officer to you. I presume your friends of the Bridge-foot will send you the news from Ireland, and all that I hear Sir George Blundell or my cousin Tom Challiner will tell you. I omitted one thing in my last. "Two days after the relieving of Tredath, my honest Lord Moore sent his servants the fiddlers at Dublin 10*l.* to come down unto him." 1 *p.*

Addressed: "To my noble gossip Sir Phillip Peircivall, knt., at Mr. Bowes his house at the sign of the Axe in the Strand, London. Post paid."

Probably enclosed in the above:

[1642, March 12?]—Answers to certain queries concerning the office of Commissary-General, by Nicholas White.

In the last war in Ireland, there was no Commissary-General for the victualling of the Queen's army, but there were three Commissaries in the three provinces of Leinster, Munster and Connaught respectively, viz.: Percivall, Sir Alline Absley [Allen Apsley], and Thomas Smith. In Ulster I do not remember

that there was any*, but only clerks of the stores for the magazines at Drogheda, Dundalk, Carlingford, Newry, Carrickfergus, Loghfoyle, &c., who had 2*s.* *per diem*; the three Commissaries having 6*s.*

1. I believe Sir Robert Newcomen had a patent but for during pleasure. His title was Surveyor-General for Victualling the Queen's Army, his entertainment 10*s.* *per diem*. Sir George Beverley had the title of Comptroller of the Victuals, likewise by letters patents, and 20*s.* *per diem*.

2. The Commissaries of Munster and Connaught were appointed by letters patents, but I believe the Leinster account was included in Sir Robt. Newcomen's.

3. Some years before the last war was ended, Sir John Jolls and Sir William Cockin [Cockaine] contracted with the Queen for the sole victualling of the army, Sir Robert Newcomen being joined with them. Such provisions as Ireland afforded he got there, as beef and biscuit, but butter, cheese, meal, oatmeal, rice, &c., were mostly sent from England. The rates I forget, except that ordinary biscuit was constantly delivered to the soldiers at 1½*d.* the pound; ordinary cheese at 2½*d.* and Cheshire cheese at 5*d.*

4. The clerks of the several stores were appointed by Sir Robert Newcomen, and made their accounts to him, to be included in his general account; and the clerks of the companies received such proportions of victuals as the stores afforded for the weekly victualling of them.

5, 6. The contractors had certain moneys imprested to them at the beginning of every quarter out of the Exchequer, and I believe that contract included all charges for the carriage of all victuals to Ireland, where the State gave Sir Robert Newcomen power to press ships for transporting them to the several magazines at the Queen's rate. But for victuals transported by sea or sent by land, I must refer you to Sir George Carey's account and those of the contractors, which you will find in the custody either of Mr. George Bingley, formerly servant to Sir Francis Gofton, and now, I believe, Auditor of the Imprest in his place, or of the executors of Sir John Jolls or Sir William Cockin, or in the Pipe Office, "where it is most likely accounts of that antiquity are readiest to be found." [*Note in margin*: "Auditor Peyton and Auditor Ware took these accounts."]

Many or most of the victuals are so perishable that the several Commissaries or Victuallers had allowance of wastes, upon view by the governors, mayor or other principal officer resident in each city or garrison, and their certificate. "Of this you must have a special care, so must you that you send your children to Mr. Richard Facy, schoolmaster of the free school at Henley upon Thames. He is an excellent scholar, and his wife an admirable kind nurse of children." *Signed*: "Your gossip N. W."

Endorsed by Percivall: "Nich. White's note touching Sir Robert Newcomen's employment," *and in another hand*: "About the beginning of the year 1642."

* In 1599 and 1600 John Traves was commissary for Ulster. At that time Robert Newcomen was commissary for Leinster. Percivall was appointed towards the end of 1600.

RICHARD FANSHAW to SIR PHILIP PERCIVALL.

1641[-2], March 18. Warwick Lane.—I am sorry it was my ill-fortune to be out of the way when you did me the honour to seek me here. I send, as you desire, a copy of Mr. Carpenter's commission. He had 1*l.* 10*s.* *per diem* for himself; 9*s.* 4*d.* *per diem* for two waggons for himself, and allowance for as many waggons as he needed for carrying provisions from place to place, by special warrant to be had from the General. For a long time he had no sub-commissaries, but when more hands were found to be needed he had warrant from the Lord Deputy and Council of War to employ as many (with clerks under them) and at such salaries as he in his discretion thought requisite, they relying upon his honesty and thrift for his Majesty. 1 *p.*

Endorsed: "Mr. Ri. Fanshawe, secretary to the Council of War. To the Commissary, 30*s.* *per diem* and for two waggons, 9*s.* 4*d.*"

COMMISSARY GENERAL.

1641[-2], March 22.—Hints for the use of the Commissary General, endorsed in Sir Paul Davys' hand, "Mr. Carpenter's note for my brother Percivall."

"He hath his orders from the General, by which he hath authority to set prices upon all kinds of victuals.

He must have a list of all the regiments of the army, with the number in each regiment.

He is to have sub-commissaries for issuing the victuals in each garrison.

He must always be provided (as near as he can) of wheat, butter and cheeses, &c., and have biscuit always baked beforehand.

He must charge every particular commissary in each garrison with such provision as he sends to the said place, and of him he is to expect an account thereof.

He must remember to get a good allowance for waste, both in weight of bread, butter and cheeses, both in the gross and also for the under-commissaries.

He is to receive imprest money from the Treasurer by order of the General, for the making the provisions, and that according to the time he is to victual, as also the number of men, and also at the best time of the year when victuals are to be had at reasonable rates.

He must agree that danger of sea and of enemy must be upon his Majesty's account and not on his own, and if possible to have it so as the soldier may have some 7 lb. biscuit and a proportionable quantity of beef, butter and cheese with the said buiscuit every week for ii*s.*, so as he may have the remains of his pay to buy him beer and clothes, for beer is not to be provided for any army by land."

With a memorandum on the back by Davys, advising Sir Philip to read Markham's *Dictator*, "or some such title the book hath," which Mr. Carpenter thinks may be helpful to him, and

stating that if one John Browne waits on him, who was formerly employed by Mr. Carpenter, this latter says that he would be very useful in the business. 1½ *pp.*

Same date.—Memorandum of the prices of provisions, endorsed by Sir Paul Davys, "Captain Scout's note to me for my brother Percivall." [*These two are no doubt the enclosures referred to in the following letter.*]

Sir Paul Davys to Sir Philip Percivall.

1641[-2], March 23. Dublin.—I have imparted your letters to my Lord Parsons and Mr. Vice-Treasurer, who are both very glad of your settlement in the employment mentioned. Having sent to Mr. Cuff, I find by view of the accounts of the victuallers (which are in such order that they will help you very much) that in 1600, George Beverley was Comptroller of the victuals and Robert Newcomen surveyor, John Jolles and Wm. Cockaine being contractors with the lords of the Council in England for providing and issuing victuals for Leinster, Connaught and Ulster. That account was presented by Christopher Percivall, their agent, and in it Sir Allen Apsley is mentioned as Commissary for Munster. I cannot find the contract of Jolles and Cockaine, nor George Beverley's grant, but Sir Robert Newcomen's was by patent, while Sir Allen Apsley's was only a letter from the Council. I see that one Frost is Commissary for these parts. If you have not entire charge, I advise you to choose this province, as best suiting with your residence here, securer for your person, and making it easy for you to apply, in any doubt, to the records of accounts, and to the Governors and Ministers of State. Sir Thomas Newcomen is in garrison at Mallahide with two hundred men. I have written to him to come here, but he has not yet done so. If I can get any information from him you shall have it. Now to answer your queries. [*See p.* 168 *above.*]

1. Sir Robert Newcomen was surveyor, not commissary.
2. There were particular commissaries appointed, or rather sub-commissaries, in principal garrisons, where there were magazines of victuals, but by whom appointed I cannot yet learn.
3. The contractors seem to have provided the victuals in England, while the officers here received and issued them by warrant.
4. His accounts were rendered here to special Commissioners sent from England.
5. Although the provisions were furnished from England, he no doubt had imprest money for paying for carriages, horses, lighters, &c., as I find allowances for such in the accounts. The last year Mr. Carpenter had several thousands of pounds imprested to him for purchasing provisions here, but now that cannot be done, all being wasted. Mr. Carpenter tells me that you should have purveyors here to receive imprests, buy

the victuals and send them to you or your substitutes at the several magazines, the places of these magazines being appointed by the Lord Lieutenant. Your hazard and trouble will be much less if your charge be only to receive, keep and issue the provisions, for to buy them is a vast labour and a dangerous undertaking.

6. Provisions sent out from the magazines were always guarded by a convoy.

Mr. Carpenter tells me that the rate of issuing the victuals to the soldiers depends on the rate they are bought at, but commonly the soldier's allowance does not exceed two shillings a week.

My Lord Parsons advises you not to engage yourself to any on that side for employment under you, except to "some guiding man that may be your tutor for awhile until you can learn your trade, because here are many of your acquaintance that were men in their times, who are fitter to be chosen than strangers, and bear a part now in the common calamity, and may be more helpful and trusty than strangers, as namely Anthony Dopping, Henry Kenny, John Kenedy, George Booth, Samuel Molineux, Adam Molineux and divers others, that may be now set on work, with some advantage to them and trust to you." I enclose you papers from Mr. Carpenter and Captain Scout [*see above*]. Our three thousand foot and five hundred horse have returned, and the rebels have forsaken the siege of Drogheda.

"For ought I can see, our wives, &c., would be as safe here as there, therefore I think it is best bringing your wife when you come and I will write that my wife may come then also. Without all peradventure, Dick Fitzgerald is abominably abused in his letters," for none have come from him in the three last dispatches, to my Lords Justices or any other, which much troubles them. 5 *pp.*

The Earl of Ormond and Ossory to Sir Philip Percivall in London.

1642, March 25. Dublin.—"I saw two letters, the one to Sir Thomas Newcomen, the other to Sir Paul Davys, wherein you justly challenge me; and yet I suffer very innocently, having written you a long letter in answer of two of yours, which it seems is not come to your hands. I writ it a little before I went into the Pale. [*See p.* 165 *above.*] In that letter I did not only give you thanks for your extraordinary care of me but likewise endeavoured to give you some general account of myself and of the falsity of those malicious scandals raised on me, either, as you conjectured, by the rebels, or by some other knaves that are little better. But since that, to my great satisfaction and encouragement, those reports find no credit (which I much attribute to the vigilance and industry of your friendship), I shall think no more of those rumours, but apply myself to the confutation of them by my actions. To this end I intend, the next week, with three thousand foot and five hundred horse or thereabouts, to march

as far as Athy, from whence, by the grace of God, I will send relief to such places as hold for us thereabouts and in the Queen's County, and as I shall find cause upon the place, I may attempt upon the rebels. This day there came an Irish fellow from my sister Hamilton, out of Ormond, sent by her to enquire of her husband. He reports that certainly there came a ship with arms and ammunition into Gallway, and that my Lord of St. Alban's [and Clanricarde], being about to take it into his charge, was withstood by the gentry of that town and country. I have sent this man to be examined by Sir Maurice Eustace, the rather because I find he is able to say who it was that destroyed the English at the [Silver] Mines, where they were most barbarously killed, man, woman and child, except some few that got into Nenagh and Roscrea, where my sister and aunt live. The perpetrators of this cruelty were Kennedys, Glisans, and Brians of Duhora, to whom I trust it shall be returned in full measure. I do not hear certainly whether Muskery be out or no. I hope he is not, and I have this ground to hope it: that if he would not stir when my Lord President was at the weakest, and my Lord of Mountgarret in Munster with a greater strength than I believe he will get together in haste, certainly he is mad if he declare when the tables are turned. If it please God to keep you at unity in England there is little fear but we shall do well; if otherwise, our case may be dangerous, so high things are here on all sides. Letters may miscarry and be misunderstood, therefore I forbear to write with that liberty that otherwise my confidence in you would give me."

Postscript. "Sir, I pray let me have a word or two from you and let me know what state Sir George Hamilton is in, I have great confidence he is most innocent." *Holograph*, 2 *pp.*

SIR PERCY SMYTH to his brother [in law, SIR PHILIP PERCIVALL].

1642, March 29. Youghal.—I find from your letters that our friends at Dublin are on the mending hand; I wish we were so here. Until your letter came we had heard nothing since the beginning of January. "I dare say a return from France or Spain were far easier than to get advertisement from Dublin by land, and for ought yet appearing its like to be worse, your supplies out of England comes so slowly. . . . In your letter of the 14th I find you have me in your memory if my Lord of Kerry prevail, of which I have little doubt, for that I presume his Lordship deserves encouragement, as also doth my Lord of Barrymore, and whom I think by the bearer, my cousin Crow, hath sent over to his friends for employment, which I presume cannot be denied him, for that his Lordship hath and still doth most nobly demean himself, notwithstanding many large offers hath been made him by the rebels, who increase so fast that I am very confident there's not a man in this province but is in open arms; Garrett of Dromanah, the Barony of Imokilley and one or two of the Barreys in Barrymore excepted. By this you

may perceive they want not men, nor would I have you think they want ammunition or arms, for on Thursday or Friday last there came into Dungarvan a small vessel laden with powder, &c., together with three or four battering pieces. The pieces they needed not, for that Waterford having now declared itself to be out, the guns in the fort are at their disposal. This is the fruits of delays, so that now look for more of these losses daily. All our nobility in this province were in Parliament (for so they call it) the 25th this inst. at Cloaghheene, so that now, their ammunition being come, they will not lie idle, you may suppose. God bless us all, for without timely and great supplies we are all lost. Every hour brings nothing to us but burning and killing, nor have we any hope of alteration unless God unite the King and Parliament, which the rebels swear will never be. I think you will now believe it's not a regiment or so that can do us any good; certainly ten in this province will be too few, and therefore, if it be possible, procure me to be a Lieutenant-Colonel to my Lord of Barrymore or some friend of mine. I have in the general writ so much to my Lord of Dungarvan; I pray treat with his Lordship for me, for it's not a bare company that can maintain your sister, myself and nine children; therefore, good brother, delay no time, but do what's to be done, and more is not to be expected. I have been at your sister to go for England, but she will not hearken to it. She swears she had no intent to leave me when we were married, nor will she now, till death part us, except I go myself. I thank God we are all well (my father excepted), and as hard as the world goes, yet we have salt beef and bread; God continue that and all will do well."

Lord Cork approves your course about the commissary for victuals, but we cannot advise you what proportions to deal for unless the number of soldiers were settled. There are five hundred in garrison here, but how long they will stay we know not. I send you a note of the eatables we have in store, which is a very small proportion if Cork, Kinsale and Bandon be not in some sort furnished, but we presume Cork is, as the Lord President garrisons there. "Howsoever, the old saying is best: 'Store is no sore.'" My Lord thinks this place fittest for the grand store, as the harbour is better than either Cork or Kinsale, both for in and ex-portations. If you proceed in this you will need under officers, and I beg you to give my cousin Joshua Boyle employment. You ask about your tenants at Buttevant. I hear that Mr. Hodder and some English are safe at Liscarroll, but not a beast left them. Your tenants at Pilltowne have long since lost all, but keep the Castle, although the rogues, to the number of three hundred, lie daily near them. [Money matters.]

"There landed here ten days since above four hundred persons that were all stripped and robbed in Waterford. This wind they set sail for England. I never saw a more lamentable sight; Mr. Jesup's wife was of the number. God grant these sights of misery cause a settlement betwixt the King and his Parliament. If not, by the next, you must expect us all here in as bad a condition. The forces out of Kerry, Limerick and Tipperary, with

some others of the edge of Leinster, are most of them upon the edge of the county of Cork and Waterford, to the number of fourteen thousand at least. The report goes they intend to divide themselves, viz: six thousand to Cork; four thousand for this town, and four thousand for Bandon or Kinsale, so that now something will be done, for I presume they want nothing now. Their greatest want will be victuals, which begins to grow short. And so, having tired myself with scribbling ill news, wishing peace and a merry meeting to us all" I take my leave. 4 *pp.*

The Earl of Leicester, to Mayors, Sheriffs, &c.

1642, April 5.—Warrant to furnish three good post horses and a guide from stage to stage, for Sir Philip Percivall, now going to Dublin as his Majesty's Commissary General of Victuals for the army in Ireland, as also to permit him and his servants to embark and transport themselves to Dublin. *Signed. Seal impressed.* ¾ *p.*

Endorsed by Percivall: "Post warrant from London."

The Earl of Leicester, Lord Lieutenant, to the Lords Justices.

1642, April 7. London.—Announcing that Sir Philip Percivall has been appointed Commissary General of Victuals in Ireland. *Copy.* ½ *p.*

Lord Inchiquin to Serjeant Reymond at Liscarrol.

1642, April 27. Downeraile.—"I understand from Mr. John Power, that some of your ward have issued out and taken the goods of some of Sir Francis Slingsby's tenants, though there can be nothing laid to their charge that might render them disloyal to the Crown; which I am not apt to believe, having a better opinion of your discretion than that you should suffer any under your command to do such wrong to good subjects. But being confident that, however things may be carried by the unruliness of soldiers, you mean well yourself, I only now expect at your hands that you cause reparation to be made for the injury done, and to have a care to prevent the like mischief hereafter. And so, expecting your observance hereof, I remain your very loving friend." *Holograph.* ¾ *p.*

The Earl of Leicester to Sir Philip Percivall, Commissary General for the Army in Ireland.

1642, May 6.—Instructions to repair to the several magazines in Ireland and to receive into his custody all provisions remaining there, giving a receipt to those who have them in charge.

To receive all provisions sent to the said magazines by the contractors and purveyors, Mr. Frost and others, and to agree to

what further may be required, giving certificates for their receipt and price.

To see that all provisions are wholesome and good, refusing those that are not, and to lay them safely, providing store houses, ovens, scales, &c., and keeping an account of all such incident charges.

To issue provisions to the army only by warrant of the Lord Lieutenant or the Commander-in-Chief.

To attend the Lord Lieutenant upon all removes with such provisions as are appointed by him, providing carriages, ships, guards, &c., the charge thereof to be allowed upon account.

To send (at least) every fortnight two certificates, one to the Lord Lieutenant, the other to the Treasurer or his deputy, with the number and nature of provisions received and issued, from whom received, to whom issued, with rates and prices; the like certificates to be made by the Deputy Commissaries to the Commanders and Deputy Treasurers in those parts where they are established.

To follow all directions received from the Lord Lieutenant.

A just allowance shall be made for waste and casualties.

True copy. 1¾ *pp.*

LORD INCHIQUIN to MR. REYMOND at Liscarrol.

1642, May 17. Moyallow—Has received very great complaints from Sir William Power and his son of the wrongs done to their own tenants and Sir Francis Slingsby's by Reymond. Cannot tell how he will answer, unless he can prove them rebels, which they deny, and therefore charges him not to meddle with anything that belongs to them until the matter comes to trial. *Holograph.* ¾ *p.*

CAPTAIN ARTHUR JONES to his kinsman [SIR PHILIP PERCIVALL?].

1642, May 19.—Has signed receipts for 16*l.* 16*s.* for one month's entertainment to himself, as captain of foot in his Majesty's army in Ireland; and for 28*l.* and 50*l.* 8*s.* for his brother, John Chichester and his father Lord Ranelagh, as serjeant major and captain and colonel and captain respectively. Prays that these sums may be paid to Mr. Edward Bowes on delivery of the receipts. ½ *p.*

Bound up with the papers of 1640, *owing to an incorrect endorsement.*

LORD INCHIQUIN to MR. REYMOND.

1642, May 28. Downeraile.—I pray have a care that you do by no means, or under any pretence, meddle with any of Sir William Power's or his son's people, or their goods, for I am confident that they cannot stop the outrages of Davy Power. But if any do offer you injury . . . I do not in such case hold your hand." ½ *p.*

Sir Philip Percivall's Losses.

1642, May 27.—Deposition by John Hodder, late of Ballymacow, parish of Bruehenny, Barony of Orrery, co. Cork, that about the 30th of December last, Sir Philip Percivall lost and hath been robbed of his goods to the values following, *viz.*:—Cows, horses, mares and sheep to the value of 2,866*l.* sterling; and rents in the said county worth in ordinary years 2,587*l.* 14*s.* per annum; whereof deponent says the said Sir Philip has been despoiled "by the means of this rebellion, and especially by the hands or procurement of Edmond Fitz Gerrald of Clenles, co. Limerick, gent., Garrald McEnery of Rustinhouse, and the Lacyes, their tenants and followers in co. Limerick, whose names he knoweth not." *Copy.* ½ *p.*

Earl of Strafford, &c.

1642, May 30.—Note by Sir Philip Percivalle that the estate of Glaslough was bought of Sir Robert Parkehurst in his [Percivalle's] and Captain Billingsley's names by the late Earl of Strafford, in trust (as his Lordship declared) for the Countess of Carlisle, "and some lease also taken of the See of Clogher of land convenient for that lordship of Glaslough; and the lease of the whole or the most part then made by his Lordship's appointment to the Dean of Clogher. And for Shilelah a lease of twenty-two years was by his Lordship taken" in Percivalle's name in trust for the Countess (as his Lordship declared).

Touching the former, there is a complaint exhibited by Viscount Baltinglasse, and touching the latter by Lord Brabazon, in the English Parliament. If her ladyship obtains licence of the House and consent of Lord Strafford's trustees, Percivalle will make any reasonable assignment, "with a saving of such leases as then were made by the Earl of Strafford's appointment."

Copy certified by Sir Paul Davys and Richard Mason. 1 *p.*

Same date.—Another copy of the first part of the above, the copy being certified by Lord Lisle, Sir John Temple and Edward Thurland. ½ *p.*

Edmund Percivall to Sir Philip Percivall.

1642, June 12. Bristow.—Giving details about the leases at Burton, and lamenting that, as the times are, land which seven years ago was worth 9*l.* a year will now only let for 6*l.* Mistress Maudlen says she is 50*l.* behind in rent from the lands of Nunny, and threatens to distrain upon Burton for it. They have her acquittances, still it were well to compel "that perfidious wretch Jesop" to secure the land better from that burden. 1¼ *pp.*

Petition of Sir William Power to the Lord President of Munster.

[1642, June 18?]—"Whereas your petitioner, by chronicle and records well acquainted with the [fidelity of his] ancestors to their several kings and Crown of England since the beginning of the

conquest of this kingdom; their services, places of honour and trust, and the reward they received for their fidelities, always bred a firm belief in your petitioner that his duty of allegiance is so natural and hereditary unto him as no mistake or injury of any subject, ever so great, can or could ever alter the same, and this your petitioner heretofore intrusted by the State in matters of great consequence hath approved; nevertheless, Right Honourable, this almost general revolt of most of the natives of this kingdom, especially papists (very few excepted), brought our loyalty into such doubt and suspicion as we were bereaved of trust and estimation. And albeit your petitioner from the beginning misliked this action of his countrymen, and therefore would not (though often importunately tempted) connive or trade with any of their men of note, or admitted of their coming within his gates, but always held such fair correspondency with all his neighbours' wards and garrisons as your petitioner held himself secure from receiving loss by any of them, especially Liscarrol, to whom he had done some courtesies, which ward of Liscarrol promised not to offend or touch upon Sir Francis Slingsby's tenants (in the care of your petitioner's son) or the lands of Kilbolane. All which notwithstanding, one Serjeant Reymond, assuming unto himself the command of that place, finding David Power's most unnatural and undutiful revolt, with the ablest of your petitioner's followers, the small store of arms he made shift for, and the allowance of powder given him by your Lordship; the said Reymond ever since maliciously ceased not to prey and rob" the harmless subjects of Killmore, burning houses, stealing cattle, murdering one Dermott O'Henegan (whose head he put on a stake on the highest building of the place) and utterly disobeying Lord Inchiquin's orders to forbear his proceedings. Prays for relief and restitution. *Copy.* 1⅛ *pp.*

Underwritten: Order by Lord Inchiquin to William Groves, Esq., and Mr. Anthony Anktell to call the parties before them and try to compose the difference, or else certify what they find. Dated June 18, 1642. *Copy.* ½ *p.*

Also,

Summons by Groves and Anctell requiring the plaintiff or his agent and the defendants (with their proofs) to appear before them on Thursday next at Henry Pepper's house, the sign of the George *in Donneraile. June* 20, 1642. *Copy.* ½ *p.*

LORD INCHIQUIN to SERJEANT THOMAS REYMOND.

1642, June 23. Downeraile.—Has as earnest a desire to help those at Liscarrol as anyone in the country, but must wait to see the issue of the enemy's gathering in such great numbers round about. Is content to delay Raymond's appearance to answer Sir William Power's complaint until Saturday next, but if he does not come then he must expect another summons. Has 5*l.* ready to pay him according to Sir Philip Percivall's instructions, who writes that he wishes Mr. Hodder, Francis Percivall, Thomas Boules [Bowles], Richard Stokes and Anthony Wyseman to be sent to him. *Signed.* 1 *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1642, June 30. Downeraile.—Ordering him to forbear committing any hostile act upon Richard Barry of Ballymaccow or any of his tenants until he has shown such misdemeanours on their part as may deserve reprehension, if not further prosecution. *Signed.* ½ *p.*

THE SAME to THE SAME.

1642, July 10. Downeraile.—"The report which hath come to your ears touching my retreat from this town and my intention to destroy the same is as vain and foolish as false, for that I do not only resolve by God's assistance to maintain this place and all other on this side the mountain [Ballyhoura] against the enemy, but do hope to be able to annoy the rebels in sundry places now in their possession." I employ carriages at this present for that I resolve to draw away all my sick men and their arms, with some unnecessary luggage, from the place where the able men are, that they may be the less encumbered thereby. Wherefore I do hereby will, require and authorise you to detain within that castle all such persons with their arms as are now therein for the defence thereof, and do hereby strictly require all and every the persons aforesaid to be obedient, conformable, and observant to such directions as you shall give them from time to time, whereof they may not fail upon peril of their lives. Assuring you of further supplies so soon as it pleaseth God to send them out of England. *Signed.* 1 *p.*

THE SAME to THE SAME.

1642, July 18. Downeraile.—Sends warrant for seizing the pieces carried off from Liscarrol, and, if informed who the people are that ran away, will endeavour to lay hold on them. Meanwhile, wishes the party who stole Capt. Courtenaye's horses (if he can be had) to be sent to him, and assures Reymond that "nothing shall be wanting on my part to vindicate my own authority or to confirm yours." *Signed.* ½ *p.*

Annexed,

Warrant to Serjeant Thomas Reymond, Constable of the Castle of Liscarrol, to seize upon sundry guns, covertly stolen out of the Castle. Signed by Lord Inchiquin. ½ *p.*

THE SAME to THE SAME.

1642, August 3. Downeraile.—Regrets that his urgent occasions require him to demand the return of the ten musqueteers formerly sent to Liscarrol, but has taken order to enter into his Majesty's pay the thirty men Reymond has there now, and whom he is to keep and command there, "assuring them they shall be dealt withal as the rest of his Majesty's army." *Signed.*

Postscript in the Earl's hand. If you want guns I have got some ten, not fix, which I will lend and you may have mended by your own smith. 1 *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1642, August 13. Moyallo.—"I would have you make known to the ward at Newmarket, in the first place, that if they quit the place without my privity I shall surely hang every man of them that comes within my power, but if they be so distressed as that they cannot hold out against the enemy I shall then give way that they come off with their arms, and to that purpose, upon notice given me, I shall send a convoy for them, who shall bring such goods as are easily portable, and then I would have the place demolished. For the overture which Donnogh O'Callaghane makes, I would not have you upon peril of your life to hearken to or embrace it, nor to entertain any apprehensions of fear, for by God's assistance I hope shortly to be in a better condition than at present to maintain the field, but at worst I hope to prevent their purposes. I shall give order that the men you mention be enquired after and severely punished, and if you have any more of that inclination I pray assure them from me that I shall execute as many of them as come within my reach; and when any person shall utter such words as may tend to the discouragement of those with you, let the party be sent unto me, and I shall not fail to do justice upon him. *Signed.* ¾ *p.*

LORDS JUSTICES AND COUNCIL to SIR PHILIP PERCIVALL, Commissary General of Victuals.

1642, September 8. Castle of Dublin.—Warrant to deliver fourteen days' provision to James Agnew, master of the *Margaret* of Londonderry, now employed into the North for his Majesty's service. *Signed by* the Lords Justices, *at the top*, Sir John Temple, Sir Thos. Rotherham, Sir Francis Willoughby, Sir Thomas Lucas, Sir Geo. Wentworth and Sir Robert Meredith. ½ *p.*

Annexed,

Receipt by Agnew for 98*lb. of biscuit,* 196*lb. of beef and* 98*lb. of cheese, being fourteen days' allowance for himself and six of his ship's company.* ¼ *p.*

1642, September 10.—Like warrant to deliver provisions for three months for thirty seamen to serve in the French prize presently to be employed in his Majesty's service. *Signed by* the Lords Justices, Lords Moore and Lambert, Sir Adam Loftus and Sir John Temple. ½ *p.*

Annexed,

1. *List of victuals for* 84 *days for thirty seamen belonging to the French prize to be employed in his Majesty's service. September,* 1642.

Biscuit	2,720 *lb.**
Beef every day because no fish	5,040 *lb.*
Beer, seven pints a man each day	2,203 *gallons.*
Cheese	540 *lb.*
Butter	270 *lb.*
Coals	2 *tons.*
Candles	60 *lb.*

* Altered from 2520 *lb.*

With note that only the biscuit, cheese and butter can be provided from the magazine; and order from the Council (underwritten) that what cannot be supplied from the stores is to be made good either in corn or other victuals which may best be spared. Signed by the Lords Justices and five others. September 23, 1642. 1 *p.*

2. *Receipt by Rowland Langgram, in command of the French prize, for the provisions received by him, which agree with the above list excepting that* 20 *barrels of wheat are substituted for the beer. Sept.* 30, 1642. ¼ *p.*

1642, September 10.—Like warrant to furnish the *John* of Youghal, Walter Quint, master, with one month's provision for eight men. Signed only by the Lords Justices. ¼ *p.*

Annexed,

1. *Order from Percivall to Mr. Methwold to give order for the above provisions. Sept.* 10, 1642. 3 *lines.*
2. *Receipt by Quint for* 224 *lb. biscuit,* 336 *lb. beef,* 84 *lb. cheese,* 3 *barrels of coals,* 12 *lb. candles,* 196 *gallons of beer and* 6 *gallons of salt. September* 12, 1642. ¼ *p.*

WILLIAM DAMPER to SIR PHILIP PERCIVALL.

1642, September 21. Cork.—When I reached Ireland my Lord President had been dead a great while, but I gave your letter to Lord Inchiquine, who very nobly granted me everything. When I got to Youghall, however, I found I could do nothing with my cattle, yet I thank you and him as much as if I had got 500*l.* I have letters from you and Mr. Bowes concerning a debt to you of 200*l.*, but if you will look into it you will find it is only 100*l.* which I will pay you as soon as ever I can. By reason of the great troubles in England I cannot sell my wool, nor get in any of my debts, and I have here lost seventeen hundred fat wethers, three hundred beasts and thirty five horses, and have not saved a sheaf of all my corn at Balliaddam and Ballihay. "I killed a hundred fat oxen at Dunraile, Mallow, and Youghal, that would have yielded me 700*l.* in England, for which I shall be paid (as I conceive) when everybody is dead. . . . Your disciple Norisse had some office concerning the ordnance when the enemy was at Liscarrol. I thank God they have lost their ordnance, therefore I think he hath lost his place." His house is burnt, and I am sorry for your sake, as it would have served for an honester man. My house, I thank God, still stands, but all the timber work in it has been burnt, as well by our own soldiers as by the enemy.

Postscript. Mr. Cutbert Harrington is very sick, and Mr. Filpott is dead. 2 *pp.*

LORDS JUSTICES AND COUNCIL to the COMMISSARY GENERAL.

1642, September 28. Castle of Dublin.—Warrant for delivery of sea victuals for thirty-two men for ten days to John Lambert, commander of the *Lillie* frigate. *Signed by the Lords Justices, Sir Adam Loftus, Sir John Temple and Sir Robert Meredith.* ½ *p.*

Annexed,

Receipt by John Lambert for 320lb. of biscuit, 480lb. of beef, 120lb. of cheese and 60lb. of butter "the allowance in these particulars for ten seamen for two and thirty days" [but see above] on the Lillie *frigate.* ½ *p.*

1642, October 13. Castle of Dublin.—Like warrant for delivery to John Lambert of eighteen days' victuals for thirty men. *Signed by the Lords Justices, Marquis of Ormond, Sir Adam Loftus, Sir John Temple, Sir Thos. Rotherham, Sir James Ware and Sir Robert Meredith.* ½ *p.*

Annexed,

Receipt by Lambert for 540lb. of biscuit, 90lb. of cheese, 45lb. of butter, one barrel and ten quarts of salt and three barrels to pack the beef in, "to complete a victualling appointed for his Majesty's frigate the Lillie." ½ *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1642, October 26. Cork.—Perceives that he stands in some fear of the enemy, but there is no need to do so for a fortnight to come, by which time he shall have more strength sent him upon any advertisement of danger. He may reap corn where he can find it, but Lieut. Butler does not wish him to fetch any cattle from over the river. *Signed.* 1 *p.*

EDMUND SMYTH to his cousin, SIR PHILIP PERCIVALLE, Merchants' Quay, Dublin.

1642, November 15. London.—It seems by the letter your lady received from you this day that you have not got my last, telling you that Mr. Bowes has not yet received your 240*l.*, charged by Bagbeere. "We are here in great distractions. On Saturday the King's army took Branford [Brentford] seven miles from London, and were beaten out again yesterday by the Parliament's army. Both armies were yesterday in field near Branford, and it was expected a battle would have been fought, but last night the King's army retreated to Kingston, and are part of them gone over on the other side of the water, and part of them come to Putney, five miles from London, on Lambeth side, so as I doubt they will very shortly fight. There was on Saturday a treaty of peace, which, as far as I perceive, is not likely to proceed. Your lady is now here, and saith she will go to-morrow into the country again, though I persuade her to stay here by reason of the troubles, and would bring up her children and provide for them the best I can, for we cannot get a house in the city, nor lodgings to serve us all. . . . . I thought at first to have taken a little house next my brother Tucker's, and my brother offered me to add to it a lodging in his house to enlarge it, but your lady liked not of it, but now we would be glad of a worse and cannot get it; but indeed my lady hath her health very well in the country, and likes not these close rooms of London." I wish, as things are fallen out here, that you had never been employed in your place in Ireland, and would be glad for you to be rid of it without damage. 2 *pp.*

LORD INCHIQUIN to SERJEANT REYMOND.

1642, November 28. Cork.—If you cannot put a ward into Temple Connell, I am content that Mr. Barry should have it. For the men you desire to borrow, I do not see that you need more than you have, for whose encouragement I have signed a list of their names, and undertaken to enter them in the King's pay. You shall have clothes for them as soon as possible. I have given Mr. Groves no authority to take any of Sir Philip's corn, so do not suffer him to have any. *Signed.*

Postscript. I have directed Serjeant-Major Jephson to let you have one man out of each company. I would have you give Bowes half the corn he saved at Ballyadam. 1 *p.*

Annexed,

The names of the soldiers in pay at Liscarroll.

Thomas Reymond, Constable of the Castle.

Mr. William Goddard.	Dennis O'Daly.
John Fisher.	Thomas Farmer.
Richard Cuffe.	Richard Farmer.
William Younge.	Richard Stephens.
Augustine Younge.	John Day.
John Stephens.	Richard Day.
Edward Hellyer.	John Harding.
Hugh Hellyer.	William George.
John Dammin.	George Peters.
Isaac Anderson.	John Roberts.
Edmond Shynan.	Henry Fudge.
John Mullins.	John Woodland.
John Banner.	James Williams.
Richard Rowland.	William Williams.
Elias Leale.	Simon Bryen.
Edward Marten.	John Freind, drummer.
Peter Marten.	Richard Knight, tailor.
Samuel Southren.	Henry Betts.

With an undertaking (underwritten) signed by Lord Inchiquin, that they shall be paid as part of the King's army. 1 *p.*

LORD JUSTICES AND COUNCIL to SIR PHILIP PERCIVALL.

1642, December 12. Castle of Dublin.—Warrant for delivery of a month's victuals for seven men to Walter Quint, "postmaster of Munster." *Signed by the Lords Justices and four others.* ½ *p.*

Annexed,

Receipt by Quint for 196*lb. of biscuit,* 196*lb. of beef and two barrels of herrings, for the post barque of Munster. Same date.* ¼ *p.*

ORDER OF THE COUNCIL OF IRELAND.

[1642, December ?*]—Order that Sir Philip Percivall, Commissary-general, take into his hands for the use of the army the mills of Killmainham and the fishing thereunto belonging (being

* For probable date see Gilbert's *History of the Confederation*, ii. 177.

the inheritance of Francis McWye, now in rebellion) which were given on the 29th of January last into the hands of Sir John Temple, Master of the Rolls, "who then had the oversight of the provision of corn and other victuals laid in for his Majesty's army." *Draft by Sir Philip.* 1½ *pp.* [*This order does not appear to have passed the Board. See p.* 188 *below.*]

Annexed,

Copy certified by Sir Paul Davys, of the Order in Council, dated Jan. 29, 1641[-2] *committing the care of Killmainham mills, &c. (forfeited by* [*Francis*] *Macawey) to Sir John Temple, who is to use the profits first to repair the mills and satisfy the miller, and to reserve what is over for his Majesty's use.* 1 *p.* [*There is another Copy of this order amongst the State Papers* (*S.P. Dom. Signet Book IV., p.* 24). *It is there recited in connexion with a Report made on it in April,* 1643 (*see p.* 186 *below*), *and the date is given as Jan.* 23. *Sir Paul's date is however more likely to be correct, especially as the original entry was probably in his own handwriting.*]

LORDS JUSTICES AND COUNCIL to SIR PHILIP PERCIVALL.

1642[-3], January 7. Castle of Dublin. — Warrant for delivery of one month's victuals for eight men to Walter Quint, postmaster of Munster. *Signed by the Lords Justices and four others.* ½ *p.*

Annexed,

Receipt by Quint for 224*lb. of biscuit,* 224*lb. of beef and two barrels of herrings. Same date.* ¼ *p.*

1642[-3], January 12.—Like warrant for delivery of seven hundred weight (*sic*) of biscuit to John Lambert, commander of the *Lilly* pinnace (*sic*). *Signed by the Lords Justices and five others.* ½ *p.*

Annexed,

Order from Percivall to Mr. Methwold to provide 700 *lb. of biscuit for the* Lily, *with receipt signed by Robert Smith. Jan.* 13, 1642[-3]. ¼ *p.*

THOMAS BULKELEY to SIR PHILIP PERCIVALL, at Dublin.

1642 [-3], January 20. Barronhill.—Thanks him for his kind letter, and "a good sized bottle of very good uskabach." Thinking that they are in danger of being visited by some Parliament ships, and the island [of Anglesea] being in "a very sheepish posture," he intends shortly to shift his dwelling, and therefore prays Sir Phillip to send for his trunk of writings to Dublin, which he hears is now indifferent secure. 1 *p.*

Endorsed by Percivall with note of his answer, desiring that the trunk may be left where it is, as by reason of their wants, he fears further mischiefs [*in Dublin*].

LORDS JUSTICES AND COUNCIL to SIR PHILIP PERCIVALL.

1642[-3], February 6. Castle of Dublin.—Warrant for delivery of one month's victuals for eight men to Walter Quint, postmaster of Munster. *Signed by the Lords Justices, Marquis of Ormond, Charles, Lord Lambert, Edward, Lord Brabazon, Sir Adam Loftus, Sir John Temple, Sir Thos. Rotherham and Sir Thos. Lucas.* ½ *p.*

Annexed,

Receipt by Quint for 336*lb. of beef,* 224*lb. of biscuit and one barrel of herrings for the men of the post barque of Munster. February 7th,* 1642[-3]. ¼ *p.*

CAPTAIN RICHARD HART to SIR PHILIP PERCIVALLE.

1642[-3], February 9. [Dublin.]—States that one of the Marshal's deputies has been aboard his ship with a warrant for the discharge of 500 barrels of herrings, and that the master of the King's ship under the command of Capt. Thos. Bartlett has come, with fifteen or sixteen musketeers "with light matches," and taken possession of the vessel. This kind of dealing seems to him very strange; that being in his Majesty's service and under care of a convoy, he should be entered like a pirate. Has hoped before this to receive orders from Sir Philip, and now prays direction what to do. 1 *p.*

Overleaf,

Draft of Sir Philip's answer. It was by order of the State that the herrings were put aboard for Munster, and now, it seems, the State finds cause to stay them. Has understood from the Clerk of the Council [*Sir Paul Darys*], *that the Marshal of the Admiralty (to whom the warrant of the state was directed) had taken order for the unlading of the ship, and will be as ready to take charge of the goods, in obedience to the State, as he was to deliver them out of the stores, on the same authority, which he conceives is all he has to do, for it is not his part, nor has he time, to go further than this place. Dublin. February* 9. ½ *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1642[-3], March 22. Cork.—Authorising him to give protections or safe guards to such of Sir Philip's tenants as are willing to plough and sow, and also to cashier Mr. Goddard for his mutinous behaviour. With postscript stating that Mr. Barry has delivered some corn and is ready to send the rest, and requiring that all garrans taken from the said Mr. Barry be returned to him "on pain of death." *Signed.* 1 *p.*

THE SAME to THE SAME.

1643, March 28. Cork.—Sir Philip Percivall wishes to keep a ward at Annagh at his own charge. If you can send ten men there, with provisions, I can supply you with ten others in

their stead. You need not stick upon the matter of provisions, as within a month I shall either send you a further supply or else shall be obliged to call you off. Mrs. Power complains that some of your men have taken her cattle. "The gentlewoman hath my protection, and her husband hath never yet been in action, so that I do require you to cause the warders to deliver back her cattle, or otherwise I shall exercise that point of the martial law upon them which reflects on those that rob people under my protection." *Signed.* 1 *p.*

SIR JOHN TEMPLE, Master of the Rolls, to the LORDS JUSTICES and COUNCIL.

1643, April 24.—Petitions that having purchased the lease of the mills of Killmainham by direction of the Board, his Majesty by his letters has signified his gracious pleasure that he should quietly enjoy the same and retain the rents until the conviction of Makevy, who, having the inheritance of them, is now out in open rebellion. Prays for a warrant according to his Majesty's letter and that some members of the Board may take an account of the profits of the said mills "by reason they are by some spoken of" to his disadvantage. *Certified copy.* ½ *p.*

Endorsed by Percivall: "Sir John Temple's petition to the Council of Ireland (upon his Majesty's gracious letter in his behalf) acknowledging his purchase of the mills by the direction of the Council, which was by the order of the 29 of January, 1641, since which time he enjoyed the profits and the army the loss and disadvantage in the loss of the corn, far exceeding the value."

Annexed,

Certified copy of the King's letter, desiring that Sir John Temple may quietly enjoy the lease of the mills of Killmainham (upon his petition that he has purchased a legal interest therein), reserving the rents of 200*l.* per annum *until the legal conviction of Francis Mac Evoye, when they will be seized to his Majesty's use and paid into his Exchequer. March* 12, 1642[-3]. *Sign Manual, countersigned by Sir Edward Nicholas.* ½ *p.*

[*A copy also in S.P. Dom. Signet Book IV. p.* 7.]

SIR JOHN TEMPLE.

1643, April 25.—The King's Counsel's opinion. Sir John Temple falsely stated to his Majesty that he had purchased a legal interest in the mills of Killmainham from Richard Font, the miller there, and so by misinformation obtained his Majesty's letter; the purchase having been made out of the profits of the mills, and the trust vested by the Council in Sir John Temple to his Majesty's use. He keeps back one sixteenth of the corn ground there for his Majesty's forces as toll, which corn would have been a mighty relief to the army, and much lengthened their provisions. If he did not receive 50*l.* out of the profits (which was all that was paid to Font for his interest) "then he is in some sort excusable, but if the profits of the mills and

fishing were worth unto him near a thousand marks by the year (as it was) let his best friends judge whether he hath not cozened his Majesty and the state." Furthermore, McEvoye was outlawed for treason (which is an attainder in law), in Hilary term before Sir John's petition was preferred, whereby his Majesty was then entitled to the rents, which was concealed from him, for he states that Sir John is to keep them until McEvoye's conviction, which now cannot be got, he being already attainted. "From hence doth follow that the letter being grounded upon deceit, breach of trust, and misinformation, Sir John Temple ought to have no benefit thereof, but rather to be punished." 1 *p.*

A copy of this report, with slight variations and undated, is entered under May, 1643 (*S. P. Dom. Signet Book IV. pp.* 24, 23).

MURROUGH, LORD INCHIQUIN, Chief Commander of his Majesty's forces in Munster.

1643, May 12. Cork.—Warrant to all whom it may concern to allow James Fitz Nicholas Barry, with his servants, tenants and family, to reside in the castle of Welshetowne or Imogane, quietly and peaceably, and to plough and sow the land (yielding every fourth sheaf towards the maintenance of the ward in the castle of Annagh), he being hereby authorised to "entertain and employ all such persons as he shall procure to be his tenants . . . although they have been formerly resident amongst the rebels." And also to buy all such provisions as he shall stand in need of, in any part of the county of Cork. *Copy.* ¾ *p.*

EDMUND SMYTH to SIR PHILIP PERCIVALL.

1643, May 15. [London.]—I wrote to you last week what little hope there was of supplying poor Ireland from hence, by reason of the present distempers, and also told you that Mr. Frost has sent you a copy of your charge. "I could wish you here if things fall out so there that you cannot subsist, yet it will be but change of the place and one afflicted country for another; only here is hope to be preserved a little the longer from starving, yet these troubles, if continued, will speedily bring that upon us here also."

I send you a copy of your account. Your lady has sold most of your plate, but is unwilling to sell all; I have been as provident for you as I could, but fireing and house rent is dear here. I should have gone into the country if your lady had had a mind to it, but if she had stayed alone in London the charge of a furnished lodging and diet would have been great, which consideration has kept me here. I wish she would sell the coach horses, as the oats for them are very chargeable (as for hay, so long as I have it, it costs her nothing), and she was offered 27*l.* for the two; but she says you will not sell the young one, and nobody will give 5*l.* for the other alone. 1 *p.*

Endorsed: "Cousin Smyth, rec. 28 July, 1643, per W. Croften."

By the Lords Justices and Council.

1643, June 22. Castle of Dublin.—Whereas his Majesty by his letters of May 25 has signified his pleasure that the mills of Killmainham be employed only for the use of the army "until the report of the said letters mentioned shall be transmitted to his Majesty," the former letters on behalf of Sir John Temple notwithstanding; and has also, by his letters of May 29,* required us to dispose of the said mills and the fishing for the best advantage of the army: It is hereby ordered that Sir John Temple do resign possession of the mills of Killmainham and the fishing weirs upon the waters of the Liffey to Sir Philip Percivall, Commissary General of the Victuals, to be by him employed to the use of his Majesty's army. *Signed by Sir John Borlase and Sir Henry Tichborne, Lords Justices, and nine others. Copy.* ½ *p.*

Lords Justices and Council to [Charles] Lord Lambert, Governor of his Majesty's forces in Dublin.

1643, July 6.—Warrant to search the granaries of corn in the city and suburbs of Dublin, and, after setting aside sufficient for the sustenance of the owners and their families, to cause the residue to be put into his Majesty's stores for the relief of the army. *Signed by the Lords Justices and three others. Copy.* 1 *p.*

Lords Justices and Council to the Company of Bakers, Dublin.

1643, July 25. Castle of Dublin.—Order that all the meal in the hands of the bakers of Dublin, free and foreign, is to be baked into biscuit and delivered to the Commissary General of Victuals for the army, in lieu of which meal, so much corn will be forthwith delivered to them. *Signed by Sir John Borlase and Sir Henry Tichborne, Lords Justices, and by Anthony, Bishop of Meath, Sir Adam Loftus, Sir Geo. Shurley, Sir Gerard Lowther, Sir John Temple, Sir Thomas Rotherham and Sir Robert Meredith.* 1 *p.*

Endorsed with note, signed by Richard Luttrell and Thomas Hill, that the free bakers delivered in biscuit to the quantity of twenty three barrels of wheat, and the foreigners to the value of eleven barrels; but with a further note by Hill, that the foreigners had only sent nine barrels.

Committee of the House of Commons for the Affairs of Ireland.

1643, August 2.—Order, signed by John Goodwin [the chairman of the Committee] for the payment of 200*l.* to Lady Percivall, on account of moneys due to Sir Philip Percivall for his service as Commissary General in Ireland. ½ *p.*

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* For the King's two letters, *see S. P. Dom. Signet Book IV., pp.* 21, 28.

Sir Philip Percivalle to Sir Paul Davys.

1643, August 23.—I pray you acquaint the Lords that I have perused the bills of the hospitals, and find not above forty at present in them, so that the charge of maintaining the families of the three Masters exceeds that of the soldiers. Sir Francis Willoughby sends me a list of four thousand four hundred to be fed here (of which two hundred and seventy are since marched) besides those at the Naas and all other extraordinaries, and makes no abatement for the men in the hospitals, who are thus charged twice. "How to provide for them I cannot tell. All the beef which we gained credit for, to the value of 400*l.*, is gone, and almost all the corn, so as I do not know what may be had for the army after this week, and therefore if there be not money to be had for these men, I cannot conceive the bakers and brewers that did formerly supply them can be excused from continuing the same, or that the hospitals be suspended for a time, and the poor men billeted in their quarters, where they will be better accommodated than in hospitals where no means are allowed."

Postscript. Pray remind the Lords of the ship of rye. If that could go on, they might assign a proportion for the hospitals, which would be a great relief to them. *Draft.* 1 *p.*

Forces in Leinster.

1643, September 15.—Defalcations made by Sir Adam Loftus, Vice-Treasurer and Treasurer at Wars in Ireland, for provisions issued from the stores in Leinster for the forces there by Sir Philip Percivall, Commissary-general, between May 22, 1642, and September 15, 1643. Each regiment is given separately, with its captains (*the lists being almost identical with those of the forces in Leinster in S.P. Dom. Car. I, Case H, No.* 7) and the sums defalked range from 28*l.* to 1,761*l.* *Each page is signed by Loftus.* 11 *pp.*

Lord Inchiquin to Serjeant Thomas Reymond.

1643, October 5. Youghall.—Warrant requiring him to set at liberty all such persons as he has in restraint, of the Irish party. *Signed.* ¼ *p.*

The Same to the Same.

1643, October 28. Cork.—Warrant to arrest and send to him under guard, all persons suspected to be soldiers whom he shall find travelling into Kerry, Limerick or elsewhere without pass or warrant, as many men have left their colours without licence. *Signed.* ¾ *p.*

THOMAS BETTESWORTH to SIR PHILIP PERCIVALL.

1643, October 28. Cork.—I did not know that the trumpeter who brought your last letter was returning, or "I would sooner have lost a fair afternoon from the bowling green at Moallowe in the time of peace than have suffered him to pass without an epistle.

"I know, Sir, it is a stupifying discourse to mention the storms, tumults, stratagems, tragedies everywhere occurring, neither do I find that the relation of them serves to any other purpose than to foment melancholy and augment scribbling, the first by presenting to our sad thoughts that our calamities are remediless, the second by feeding our inventions by an unparalleled and unpleasant narration, in both by divulging that we are sensibly miserable for the present, expectantly for the future. . . . .

"This late cessation with the Irish is like, for ought I see, to make our contention as hot in words, for want of explanation, as it was before with swords, by which we are made more obnoxious unto them through their fraud than we have been through their force. That the cessation will be sooner ended than the controversies that arise from it is a received opinion amongst us, for the examination whereof there would have rather thirty than three Commissioners been required. They call all places in their possession which they did but cursorily pass over about the 15th of September, and have so handled the matter that the proof lies on their side (what they cannot prove when they set themselves to it, judge you), whence it is that they had men lying under all the old walls in the country at twelve of the clock the said day, whence that all our Orrery neighbours affirm for their apostacy that they had secretly declared themselves for the enemy before the said day and hour, though they made no expression thereof by any act whatsoever till a day or two later, as in particular in Lumbard, Stapleton and the rest of Buttevaunt, who made not so much as any appearance of breaking out till the 16th day towards the evening, and then, suddenly arming themselves, took many of the ward of Liscarrol, brought them home prisoners, and all their horses, arms and corn, and likewise in the case of Castle Connell, which hath been continually kept for you by five people, one of which (named Clonsh as I remember) they had suborned to say that he had kept it for Magner, and therefore no restitution to be made, though it were confessed that Lumbard and Tom Barry entered thereon and with violence thrust your tenants out after the commencement of the Cessation . . . . .

"In brief, they have put themselves into all places, and by that means are the English made complainants, and must implore and appeal to their judicatures for relief, where, if we have not indifferency, we may seek remedy where we can get it. About a fortnight since, the commissioners on both sides met at Ballybeg. Sir William Fenton, Captain Brudges and Arthur [Bettesworth] (with whom I was joined, but my lord would not spare me from hence, intending to use me as a commissioner in the impost business, which, for some reasons is yet procrastinated) were for

the English; Do: O'Callaghane, McDonnogh and others for the Irish (who came to the meeting with two hundred armed men), where and at Moallowe they spent three days merely in clamper, without anything done to the purpose, save that Serjeant Ryman [Reymond] got an order from the Commissioners on both sides for restitution of some twenty barrels of oats, many garrans and his arms, against those who took them away, who were so far from obeying that order that they told him in high terms of contempt they would never restore anything. Ryman upon this comes hither to complain to my lord, who wished me to write to the lord of Muskery to relieve him, with which letter (subscribed by my lord) he went to Macroome, where he found such a confluence of people who were called thither to a sitting as he affirms never to have seen the like at any of our sittings or gaol deliveries.

"There he obtained direction from his lordship requiring Lumbard and the rest to perform the order, with which he is gone home, and as like to get reparation as I am to come to Dublin upon mine head. All this tells us that it is more safe to be an enemy to a treacherous nature than a companion.

"That dear friend of mine, whom you so lovingly mention, hath been long and industriously looked for, but is not yet returned. His letter of the 14th of the last month gave us good assurance of his welfare, and of his purpose to repair hither speedily, having had that day a full despatch from those to whom he was employed, with a considerable contribution which we have cause to fear will be resumed by reason of that which hath happened here. He is fallen unfortunately into a supreme indignation for saying of somewhat wherein his friends here have wished his taciturnity. As we are not confident, so we despair not of his returns the next passage."

The natural scion of that old fructiferous tree which is now transplanted into Paradise* (where I hope erelong to see him) is conveniently hopeful, and tends apace to maturity. But in the observation of those who have the solicitous and affectionate manurance of him, he grows (through the fruitfulness of the soil where he was planted) so much too fast, that unless the pruning knife of admonition prevent it, his boughs may be somewhat too lop-heavy for the body; and not only produceth many leaves (which through their shadow do sterilize the ground) but little fruit, and besides, through these dilated boughs doth (often officiously, sometimes offensively) interpose himself so amongst other contiguous older trees as if he would overtop them. Yet for all this we have very good hopes of his patrization. But for the ingrafted, inoculated and artificial scion taken from that venerable old stock, he grows to perfection beyond imagination, beyond belief, and in truth brings forth fruit more than the faculty of production well permits, even to satiety; and hath no discernable fault but want of digested tenaciousness, through

* This is apparently a reference to Sir William St. Leger, in which case the "ingrafted scion" probably means his son-in-law, Lord Inchiquin.

which defect he sometimes suffers his fruit to fall before it attain to solid ripeness.

"That which is done about the enquiry of losses (for ought I know) is only that after the loss of industrious Mr. Bysse, all the examinations with the Commission were, by my lord's directions, brought from Youghall hither, where I believe they are kept safe.

"Captain Brudges told me this day that being in conference with some of the Irish Committees appointed to that purpose, they told him (which I do not believe) that having taken a survey of the value of such lands (within the county of Limerick) which did belong to the English before the wars, but now lies in the Irish quarter, they find that there was made of it one year 160,000*l.* *per annum*, and they cannot now advance it to more than 7,000*l.* *per annum*, and that they let the Lord of Bath's land for 10*l.* *per* plough land, payable the one half in money, the other in corn.

"I would, Sir, have sent you some remonstrances, but that the times and ways are not safe, and I could enlarge myself even to your weariness in the narration of doleful ditties, but I fear before you read all this fiddle-faddle over, you will say *defessus sum legendo*. And therefore prepare towards a conclusion, but first intend to tell you, with the proverb, that what is one man's poison is another man's physic; though it be most expedient for me to die as speedily and preparedly as I may, as being uncapable of doing much good, yet I exhort and beseech you to use all possible endeavour for your continuance and preservation here, where you may be so advantageous to your country, so beneficial to your friends, so acceptable to your numerous family, and so equivalent to all honest men." 4½ *pp.*

JOHN FISHER to SIR PHILIP PERCIVALL at Dublin.

1643, October 30. Cork.—States that he was employed by Lord Inchiquin to keep the castle at Anagh, which he has done, with much difficulty, and that although his brother married one of Magner's daughters, he himself has always been loyal. Lord Inchiquin gave orders that he was to enjoy the corn and other perquisites, but Serjeant Raymond has taken them all, whereby he and the rest of the warders "are much disabled to keep the castle and lands in safety." Prays his honour to send directions in the matter, and to confirm him in his command. 1 *p.*

SIR PHILIP PERCIVALLE to MR. SALL.

1643, November 13. Dublin.—Complains of the great injuries done him since the Cessation (of which he encloses an abstract), and prays for redress. Is very confident that (his sins to God excepted) he has not deserved such usage, and yet the Commissioners strive to put prejudice upon him, for no other reason, apparently, but that they owe him money and good-will. If he cannot have relief, he desires to know it, as he is not ignorant of another way of complaining appointed by the Articles, although he would willingly decline it if possible. *Draft.*

Postscript in Sir Philip's own hand. "Touching the lands in question, I am far from seeking to have them depopulated, or the tenants undone. I confess I am not able to tenant them, and that I would be well-pleased the now possessors continue, so as they pay me sheaf and grazing, acknowledge their entry to be contrary to the articles, and restore what sheaf or goods I should have had if they had dealt fairly with me." 1¼ *pp.*

The Enclosure:—

SIR PHILIP PERCIVALLE'S GRIEVANCES.

Edmond Stapleton of Ballingeile, gent., David, Richard and Francis Stapleton, his sons, Thomas Barry of Butterant, John Lombard of the same, Redmond Barry of Lisgriffin, Edward Magner late of Templeconila and his son Edmond Magner and others, appointed Serjeant Reymond to fetch away the third sheaf of the land in Ballintreally which they had contracted to pay to him. On the 16*th of September, Reymond sent twelve men, with boys, muskets, firelocks, swords, horses, carts, &c., who were received in friendly manner, the other party offering them tobacco, which they accepted. But suddenly Stapleton and his company seized upon them, with their arms, horses and corn; "laid hold on their throats and threatened to kill them if they stirred or resisted, and so took them prisoners with them,* many of Stapleton's company having lain hidden for a time (to the end to perform this treachery) before Reymond's men came." The same day some of them, being admitted in a friendly manner into Sir Philip Percivall's castle of Temple Connell, treacherously seized upon the warders and took possession of it, persuading some of the warders to say that they held it for the contrary party, Thomas Barry being the chief in the matter; and afterwards carried off the corn from Liskilly, Gortenate and Ballajourden, as also the corn of Bregoge and Tullagh, which Mr. Lombard held "as tenant to Sir Philip at third sheaf." Afterwards Nicholas Barry entered Ballincurrig Castle, which Sir Philip had purchased of his father many years since, and Ellen Lacy, alias Barry, took possession, after the Cessation, of Ballyadam, Churchtown, Ballintample and Cargeene, alleging them to be her jointure, "though she passed a fine and recovery thereof ten years agone, and never since pretended any possession therein." The widow of Richard Barry put a ward of Irish, followers of McDonogh, into Ballymacowe, converting the corn to their own use, and the same day Lord Roche entered into the old castles of Ballinlinye and Ballinegarragh (the former having been bought of his father and the latter of Lord Killmallock for*

* In a petition of Reymond's which, otherwise, contains nothing that is not stated here, or in the depositions. p. 206-9 *below*, he says that his men were put into dark dungeons, with irons.

valuable considerations), both of which had been deserted by Sir Philip's tenants on account of the troubles, but were clearly within the line of our quarters. "There are that pretend to claim all the lands that they can procure any man to swear they were upon at the time of commencement of the said Cessation, though such a person so pretending to be upon the land did then hide himself in a bush or bog," and although Serjeant Reymond was master of the places and received all the profits. When Reymond's men were taken, they were carried before Liscarrol Castle, and their captors threatened to hang them there if he would not yield up the place, whereon he sallied out and took some of the Irish and so got his men back in exchange, but they still keep the arms and possess the places aforesaid. 2¼ pp. Two copies.

SIR PHILIP PERCIVALLE to THOMAS BETTESWORTH.

1643, November 17.—I received your letter by Captain Jephson, "and could requite you with many doleful ditties hence, if time and patience could permit me; you cannot but hear of them and believe them too." I understand from you and Serjeant Reymond that I have had many injuries heaped upon me of late, but as they have been since the commencement of the Cessation, I think I should have had reparation before this if I had known of them. I should have been amazed at the news had I not been acquainted with the base and treacherous dealings of my worthless tenants and neighbours, but, as I cannot blame them enough, "so I cannot find any way to excuse Serjeant Reymond and his men for suffering such people upon such slight pretences to betray him, but chiefly in suffering them or Ellen Barry or any other without a stronger power to encroach upon our quarters, which no man of discretion or courage would have suffered." By the articles you will see that the line of our quarters is from Michelstown to Miltowne,* thence to Liscarrol and so to Mallowe, and Reymond should not have allowed any man to come within this line unless he was overpowered. Also, on notice of the Cessation (which I sent him by the first trumpeter), he should have at once advertised me how things stood. I have now told my Lord Marquis and have got a letter from him to the Commissioners to see right done, in which matter I beg your best advice and furtherance.

Now that those people are in, I think they had better stay there, if they will restore what they have taken, acknowledge their entry to be contrary to the Articles of Cessation and pay us sheaf and grazing, that there may be something to subsist on.

The Commissioners were chiefly intended to settle waste lands on the frontiers of our garrisons, as between Liscarrol and Kilbolane or such like, and we wished the settlement to relate to the last of August, when the first conference was held,

* *See* "Articles of Cessation," No. 8. The Articles are printed from a contemporary pamphlet, in Gilbert's "*History of the Confederation*," ii. 365.

but as their armies were abroad in several places with likelihood of success, they insisted on fixing the 15th of September at noon; whereupon, I remember, a neighbour of mine here, one Mr. Allen, placed a few servants near my garrison at that hour, and afterwards declared he was coming to reside there. No commissioners but those you mention would justify the courses they take, but it seems they may do what they please without any control from Lord Inchiquin.

As for your natural scion, I will do all the honour and service I can to him and to all that belong to him who is gone. For the other inoculated branch, I think you give a right character of him. Let your age and experience temper the one thing you mention before it be too late.

If you think more commissioners are necessary, let my Lord send their names to Sir Paul Davys or me and they shall be added. "God look down in mercy on the most miserable forsaken condition of the protestants of this unhappy kingdom, who have suffered in a high degree above all that ever I read of, and yet their adversaries are not satisfied." Pray send me notes of the murders about Cashell and Goolan Bridge. *Draft.* 4 *pp.*

THOMAS REYMOND to [SIR PHILIP PERCIVALL].

1643, December 7. Liscarrol.—I am sorry you take so unkindly my not writing of the treacheries of the neighbours, but it is difficult to get a letter carried to Cork in safety, and also I wished first to go to the Commissioners and see what could be done by way of satisfaction. The Commissioners put off most of the grievances, but with much ado I got an order for the restitution of your horses, arms, &c., which however, in spite of Lord Inchiquin's remonstrance and Lord Muskery's orders, has never yet been obeyed. Our condition is far worse than in the time of open hostility, and it is in vain to try to let lands for grazing, as there is so much waste land and so few cattle, but if the next harvest can be saved at Ballymacooe and Welchetowne, it will yield more corn than ever since the troubles began, as the barley has come up bravely. Mr. Lombard keeps possession of Mr. Dampier's house at Bregoge, swearing that you shall never have it again, and the Magners say the like of Temple Connell and Liskillie, and Nicholas and Redmond Barry, of Ballincurrig and Tullough.

[Enumerates the men who have taken the cattle, horses and sheep, which he fears they will never see more.]

When the Liscarrol men were prisoners at Buttevant, it was the common talk of Mr. McDonagh's soldiers that Colonel Barry was coming down to put an Irish ward into Liscarrol and that his uncle, Captain Wm. Barry, should command them. Also Nicholas Barry, McDonagh's captain, was heard to say that Sir Philip Percivall was one of the worst members in the world, and that he and such as he had made all this trouble.

Capt. William Barry has sent orders that no deer are to be killed at Liscarrol, as Col. Barry intends to make a deer park there, and another uncle, John Barry, has been to the Castle and was much troubled by the cutting of the woods, which he declared was against Sir Philip's agreement. "They are mighty tender of this place of late," but whether Col. Barry is acquainted with their doings I do not know. John Barry also said that "he did believe the monies for redemption of these parts were paid . . . before that day."

The castle and ward of Annagh are safe. No protections have been given save by his Lordship [Inchiquin], or those appointed by him. "For my men selling their liberty for a pipe of tobacco to men never trusted, but deceived their trust, as you write, the villains that did me that wrong were as much or more trusted with the affairs of those parts than any other, and but newly then fresh armed with the Lord Furbush's [Forbes'] firelock muskets and brave English curriors, and new ones, and for ought I ever heard, never detected, and his lordship and all other our commanders commonly feasted by them, and lodged his lordship not long before, wherein was our mistrust therefore, or the weakness of my men that they might not take a pipe of tobacco with them. It was not that sold their liberty, seeing they were intended and prepared to take them. And I give God thanks I did not go that day abroad myself." 8 *pp.*

James Sall to Thomas Bettesworth.

1643, December 8. Melldrom.—Has received a letter from Sir Philip Percivall, complaining of losses and injuries since the Cessation. Sir Philip has sent letters to Lord Muskery and Donogh O'Callaghane, who are applying to the Commissioners in that country for redress. Sir Philip does not wish his lands to be depopulated, and will be content the present possessors may continue there on certain conditions. Prays Bettesworth to act, as he does not dare to come himself thither, where he is not so well known by the common people. 1¼ *pp.*

The Marquis of Ormond to Lord Muskery, &c.

1643, December 9.—Concerning their claim upon the Baronies of Imokilly and Barrymore, their unjust holding of Roche's country, their refusal to make restitution when due, and their treatment of Sir Philip Percivall. *Copy.* 4½ *pp.* [*Printed in Gilbert's* History of the Confederation in Ireland, *Vol III.*, *p.* 62.]

Thos. Reymond to Lord Viscount Muskery.

1643[-4], January 4. Cork.—Petitions that having, by Lord Inchiquin's command, entered upon the lands of Kilballworrye —belonging to Teige Oge Carty, who had broken his protection— eight weeks before the Cessation, he proceeded, according to his lordship's orders, to reap the corn there, saving it from Nicholas

Browne, lieutenant to Captain Davy Power, who intended to carry it away, and entered into skirmish with petitioner's men; but three weeks after the Cessation Teige Oge came with a guard of Mr. McDonagh's soldiers and took possession, which he still keeps. Prays delivery of the corn and re-establishment in his possession of the land. *Copy.* ¾ *p.*

Underwritten,

Order by Lord Muskery that Donnogh O'Callaghane of Clonmeene is to call the parties, examine the matter and determine the same. Copy by Reymond. ¼ *p.*

LORD MUSKERY to DONNOGH O'CALLAGHANE.

1643[-4], January 4. Cork.—Warrant to deliver to Serjeant Reymond his arms, horses and, corn, and in default, to "sess" soldiers upon the offenders or levy sufficient of their goods to countervail the value of what was taken. *Copy by Reymond.* ¼ *p.*

Endorsed: "Second order of Lord Visc. Muskery;" &c.

The MARQUIS OF ORMOND to the LORDS OF THE IRISH PARTY.

1643[-4], January 9. Dublin.—"It is now about six weeks since I wrote unto you of certain wrongs done unto Sir Philip Percivall, knt., since the commencement of the cessation . . . , whereupon I cannot hear that restitution is made of his possessions; which ought to be put in the same state that they were the 15th of September last, at twelve o'clock, without trouble or circuit of suit. . . . The consequences hereof are like to prove penal to him, yet hath he but modestly and sparingly pressed the complaint, in which regard in all reason he ought to find the better respect in restitution to his own, which I desire he may find effectually, without being put to any unnecessary trouble or delay, which will be a good expression of your intention really to perform the Articles touching him . . . , and without it be speedily done . . . I may not be silent therein or pass it by." *Copy.* 1 *p.*

CNOGHER REAGH O'CALLAGHANE to [LORD MUSKERY], Lord President of the Council of Munster.

1643[-4], January 10.—Petitions that he has for many years past been possessed by lease or inheritance of certain towns and lands in the Barony of Dowhally, yet long after the general Cessation—contrary to law and equity and to the order made in the Model of Government published at Killkenny in the general Assembly of the Catholics of the whole Kingdom—certain persons entered upon his lands with a strong hand, brought their cattle and goods, built cabins and cottages, and do plough the ground and cut the grass without any colour of right or title. Prays order to the intruders to abandon the land and make satisfaction for their trespass. 1¼ *pp.*

Underwritten,

Order by Lord Muskery accordingly, as he sees no reason why petitioner should not have the benefit of the common law of the land and of the late establishment of the Model of Government. "*Apud Maccrompe, January* 10, 1643." *Copy.* ¾ *p.*

LORD MUSKERY to DONNOGH O'CALLAGHANE.

1643[-4], January 16. Lismore.—Desiring him to see the orders granted to Serjeant Reymond enforced, and so vindicate the authority whence the orders were derived, and remove all occasion of scandal and complaint; and also to cause the gun, ferrets, &c., taken from Walter Young, the warrener, to be restored. *Copy by Reymond.* ½ *p.*

With note by Reymond that Mr. Gething, having drawn the above, took it to Lord Muskery, who signed it, and returned it to him open, so he copied it.

Endorsed: "Lord Muskery's third order," &c.

LORD INCHIQUIN to DONNOGH O'CALLAGHANE.

1643[-4], January 24. Malloe.—Serjeant Reymond has again come to me and complained that your former orders in his favour, and Lord Muskery's several directions, have not been executed. "My confidence in your judgment is such that I dare presume you would not sign any such certificate or order as your hand is to, unless you were fully satisfied with the proof made; and if it shall be held reasonable to put men to a new dispute . . . it will be an easy matter to keep any man from his right, when he [has] not means to follow the matter, or to keep his proofs together. And indeed the observation I have made of your moderation, in all negotiations with me, beyond others of your party, make[s] me verily believe that this proceeds not from anything but the violent obstinacy of those of your party against whom you are to see justice done. Therefore I am to desire you that without putting us to a new circuit of proofs and examinations, you would see those former orders duly executed, otherwise there will be just cause to complain that this delay is not only a protraction but a denial of right, which must be sought after in another way if it cannot be gained in this fair and friendly manner."

Postscript. "If Mr. Lumbard be such a McRooescallam as that you cannot conform him to what is just and reasonable, I shall desire only admission to do myself right against him, and then I shall trouble you no further." *Copy by Reymond.* 1 *p.*

DONNOGH O'CALLAGHANE.

1643[-4], February 3. Clonmeene.—Warrant to Serjeant Reymond to bring witnesses to prove the value of the property taken by Mr. Stapleton, Mr. Lombard, Mr. Magner and others, who are to have notice thereof that they may be present if they please. ½ *p.*

With note by Reymond that this is the second warrant.

The Lord Lieutenant* to the Lord Muskery, &c.

1643[-4], February 7. Castle of Dublin.—Reiterating his demand of the 16th of November last that satisfaction may be made to Sir Philip Percivall for the injuries done him. *Copy.* 1¼ *pp.*

Donnogh O'Callaghane.

1643[-4], February 8. Clonmeene.—Warrant requiring Edward Magner and his son Edmond to deliver to Serjeant Reymond twenty barrels of oats or six pounds sterling in lieu thereof, and in default, praying the honourable Patrick Purcell, Lieut.-General of the forces of Munster, to billet thirty foot soldiers upon the said Magners until this order is obeyed. Is "the more earnest in this matter for that it is in observance of the Articles of Cessation." *Copy by Reymond.* ½ *p.*

Sir Hardress Waller to Thomas Bettesworth.

1643[-4], February 12. Cork.—I shall try to answer your well digested lines as satisfactorily as my distracted time will allow, which I am fain to take by snatches from perpetual clamours. I send you all the returns I had from the Supreme Council touching the business of our quarters, which is the enclosed from Mr. John Welsh to Lord Inchiquin. "Surely Mr. Donno O'Callaghan doth but exercise his wit and play the merry devil with us touching our quarters, which he may very well do, having all in his own hands. But the question will be what we ought to do more than cry God help." I hope my Lord Marquis, to whom I have written, will send a quickening despatch to Kilkenny, and if that produces no effect, I think we should prepare certificates for England, in which I fully concur with Sir Philip Percivall. We are full of desires to know how my Lord proceeds in England, upon notice whereof "I shall know what sail to bear. In the meantime we are like to be distressed for want of means to ride out this storm, and therefore before our tackle become too far spent, I should be right glad of the advice of so good a pilot as yourself what course we should steer." *Signed.* 2 *pp.*

Enclosing,

Copy of letter from John Walsh to Lord Inchiquin, stating that he has certified the Supreme Council of the proceedings at Capperquin, but by reason of other matters of great consequence to the King and country, their answer is yet delayed. Tomnell, Feb. 6, 1643[-4]. ¼ *p.*

Thomas Reymond to Sir Philip Percivall.

1643[-4], February 12. Liscarrol.—States that he waited with his witnesses during the whole time of the Commissioners' sitting at Caperquin, and was never suffered to speak, but just when

* The Marquis of Ormond was sworn as Lord Lieutenant on January 21.

they were breaking up, Lord Inchiquin called upon Lord Muskery to read the Marquis of Ormond's letter, and when told that it had been left behind, produced and read a copy of it. The Commissioners on the other side promised that justice should be done, and that when their general business was settled, they would chose Commissioners for each barony, to settle possessions and the bounds of the garrisons, but to this day none have been appointed, nor is it believed they will ever meet at all, for "the adverse party have what they desire, which is other men's castles and goods, and are very loath to make restoration." Lord Inchiquin, having drawn up the case for Orrery, left for Limerick whilst the Commissioners were still sitting. [Gives a long account of O'Callaghane's proceedings upon receipt of Lord Muskery's warrant (when he repeatedly summoned the parties, but never compelled restitution or billetted the soldiers), and sends copies of the various warrants, &c.*] Does not believe that even if Sir Philip had had earlier advertisement anything more could have been done, seeing that even the letters written by the Marquis and Sir Morris Ustas [Eustace] have had no effect. His reason for saying that times are worse now than when the rebels were in action is that formerly none dared approach but on good terms; whilst, since the Cessation, they flock round at all hours, day and night, and must not be questioned, so that if they should again break out, much sudden mischief might be done. The common vote of all the country, "best and worst," is that Sir Philip shall never have his lands again.

Has talked with Humphrey Checklie concerning the doings in Butler's country, who says "that one John Wise, servant to Mr. Kingsmell, was murdered by Baron Loghum [Loughmoe] and his men at his farm a little beyond Cashell; that John Linshie, minister, who dwelt upon part of Ballintemple called Garringowne; one Robert [Charleton] a saddler of Cashell, John Bane, an innkeeper there, and Richard Lane, a shoemaker, besides many other English whose names he doth not now remember, were murdered at Cashell by Philip O'Dwyer and his men; James Hooker murdered at Goulden Bridge, John Blake of the same murdered, and his wife and five children burned alive together there; Robert Parsons and his wife and three of their children murdered there, and the wife of Mr. George Crawford was taken and her belly ripped up and her child let out, she having scarce one hour to reckon, besides other, he doth not now remember their names, all murdered as aforesaid at Goulden Bridge by Pierce Butler of the Banshee and his followers.†"

Sends also Cnogher Reagh's petition to Lord Muskery for restitution of the lands he had at the beginning of the troubles, and Lord Muskery's order thereupon, which however is withstood, just as his others have been, the people at this time obeying but what they list. *Seven closely written pages, but much of it only a repetition of what he has said before.*

* Probably those calendered above.

† Comp. Miss Hickson's *Ireland in the 17th Century*, ii., 40-46, 243.

The Lord Lieutenant and Council.

1643[-4], February 23. Castle of Dublin.—Certificate that 396*l.* is due to Sir Philip Percivall as Commissary-General of Provisions for the Horse. *Signed by the Marquis of Ormond, and by Lawrence, Archbishop of Dublin, Anthony, Bishop of Meath, Lord Lambert, Edward Lord Brabazon, Sir George Shurley, Sir Fras. Willoughby, Sir Gerrard Lowther, Sir John Borlase and Sir Geo. Wentworth.* ½ *p.*

Prewritten,

Statement by the Deputy Muster Master that the above amount is due to Sir Philip for 540 *days, from March* 24*th*, 1641[-2], *to September* 14*th*, 1643; *being* 10*s. a day entertainment and* 4*s.* 8*d. a day for a waggon.* ¼ *p.*

John [Lesley], Bishop of Raphoe, to ————.

1643[-4], February 23. Oxford.—"Sir, let it ring through all Ireland what is as clear as the sun; that the Irish nation must stand or fall with King Charles. All their safety under God is their adherence to their sovereign and all their honour in their present and future loyalty.

"We are all amazed at the long stay of your Commissioners, and we heartily desire they may be moderate and wise in their demands, that so they give no advantage to the rebels here to calumniate His Majesty as they have always done. *Ex animo*, I am no papist, but I should be loath to find myself in New England when I come to Ireland. Protestant, or rather Catholic Christian I am, and Popery I know, but from this 'gallamafrye' of so many new religions that have quite banished all Christian faith and charity, good God deliver me. I never knew nor read of a more religious rage for multitude of sects (which fall so easily from every giddy brain) or of a more impious, if perfidy, treason and rebellion can be counted impiety. These unhappy fellows have made our religion stink in the nostrils both of God and man.

"Our countrymen have had fine repulses from Newcastle and other adjacent places upon the river where they attempted to pass. I see no repentance for blood spilt, but daily preparations for more mischief. O, if we could get peace with God, or did seriously endeavour it, we should easily agree one with another. I pray God our misery here make you wise there." Jo. Rapotensis.

Copy in Percivall's hand and endorsed by him, "From my Lo. Bp. of Raphoe." 1 *p.*

Thomas Bettesworth to Sir Philip Percivall.

1643[-4], February 24. Moallow.—I have received four letters from you, but until the Commissioners met about the quarter could write nothing satisfactory to you or myself. "And yet on my faith, I do not know or remember that I omitted any conveyance since that, by which I might have advertised you of that nothing, for my Lord went hence about the 26th of January, and I came then hither, where I have continued ever since in a

sad, sullen and penurious condition;" and never heard of any possibility of sending to Dublin. Hearing nothing about the Commissioners, I wrote to Sir Hardress Waller, our military governor, intimating the mischief the English endured through the delay in their meeting, and suggesting that those on our side should meet and certify to Dublin, on which he sent me the enclosed, and a copy of Mr. Walsh's letter to Lord Inchiquin, by which you will see that Sir Hardress means to attend their leisure, so that the work is like to be long adoing, and I fear it will be impossible to re-obtain our quarters, those that detain them growing ever more insolent and injurious towards us. Sir Hardress has written to me to attend a meeting of the officers of the army on Shrove Tuesday, at Cork, and if I have any power (as God knows I have none), something shall be done about the quarters, either with or without the Irish Commissioners. I pray you believe that we will do our utmost for your interests when time serves, and if then you fail to hear from me "then you may say that Tom Bettesworth hath buried his friends and benefactors in oblivion, like an old knave as he is. I hope to see him buried before that time." I am sick for want of matter to put my irascible faculties at work, and "you know the old saying, *nihil agendo malè agere discunt homines*. This kind of otiosity makes me dead before I am dead."

I have read the Marquis's letter concerning you (which as yet has produced but poor effect) and the Articles of complaint by the English of Connaught, and I could easily compose the like here, but the truth is that, except my brother Banastre, no man stirs in anything but his own particular. I believe Serjeant Ryman to be a very laborious solicitor for your affairs, though with ill fortune. I send you a packet from him, and a letter from Mr. James Saule, which shows his good affections towards you.

I was at Gortbofiney when your park was despoiled, and Donogh O'Callaghane told Ryman that McRobiston's people were the chief actors in it, so I have written to McRobiston about it, but he esteems so little of my advice that he has not thought it worthy of any answer. O'Callaghane also says that he heard Lord Muskerry say that Orrery should be returned to the English. "In truth, to give him his due (for that the devil must have), I find Do. O'Callaghane, in our intercourse of quarter, to be one of the moderatest, most rational men amongst them, and a strict observer of the Articles of Cessation, or a seemer to be so."

Lord Inchiquin told me for certain that one Gerrott Fitz Gerrald with his complices murdered Mr. Bysse and, at another time, Lieut. Turgess, coming from Moallowe (a very able and stout man). My Lord has carried with him Mr. Bysse's papers, by perusal whereof many notable murders will appear which were proved when I sat with him at Moallowe,* but now the testimonies are so divided that it will be impossible to gather them up again.

Pray afford me your sense of that part of the articles of Cessation which says that all who received protection from the

* See *Ireland in the 17th Century*, ii., 40.

English shall pay the fourth sheaf if no agreement were made. I would fain know whether this receiving protection be to be taken in a strict or general notion. "If in the first, then it hath relation to those only to whom we gave protection in writing, and stood in the nature of delinquents; if in the second, then it extends to all such of the natives as have adhered to us most part of these wars, and revolted lately, as Imokilley, Barrymore, Orrery, &c., and so my Lord of Inchiquin conceives it from you and Sir Maurice Eustace; yet the natives dispute it strongly the other way, affirming that they 'logued' with and were to the English in the same degree of subjection, and that they never desired or had any protections." 5½ *pp.*

COL. JOHN BARRY to SERJEANT REYMOND.

1643[-4], February 24. Donmoylin.—It was Lord Muskery who told me that he had sent a strict warrant to Mr. Donnogh O'Callaghane to obtain restitution for you and, if his orders were disobeyed, to raise the forces of the country to compel compliance. I myself spoke to divers of the Supreme Council (as they call it) at Killkenny, and they all confirmed Lord Muskery's action. I am extremely sorry to hear you say that it has not been obeyed, for his Lordship has now gone out of the kingdom, and I fear those that were so slack in his presence, will be altogether neglectful in his absence. The Council at Kilkenny breaks up this week and goes into Connaught. Lieut.-Gen. Purcell is still in Kerry, but is hourly expected. If he come during my stay in these parts, I will speak to him on your behalf. "As for my uncles' looking after your woods, it is without my direction, as all their proceedings is without my liking or approbation, much of it being of that nature as I am ashamed of it; neither does the busiest of them need trouble themselves much with what belongs to me, since I am resolved if it were tomorrow in my own possession, they should have the least share in the management of it." 2½ *pp.*

SIR PHILIP PERCIVALLE.

1643[-4], March 2.—Power of attorney to Cosny Molloy of Dublin to recover and receive the debt of £500, owed him by Sir Andrew Aylmer of Donagha, bart., Sir John Dongan of Castleton, bart., Nicholas Wogan of Rathcoffy, Nicholas Sutton of Tipper, Henry Warren of Grangebegg, John Geidon of Irishton, George Aylmer of Hartwell, and Edward Allen of Bishopscourt, esquires (all co. Kildare), and to give acquittance for the same. *Signed.* ¾ *p.*

GEOFFREY BARRON to [SIR PHILIP PERCIVALL].

1643[-4], March 4. Killkenny.—I have shown your letter to Mr. Darcy (the rest to whom you would have it imparted not being here), but if your lands are in our quarters it is not possible for you to receive the rents until an accommodation, as we convert

all such to the public good. The utmost I can do is that, if you inform me what lands you had, I will recover possession from the vendors in your right for the public use, and when the accommodation is made you would receive them again quietly. Magner I have already taken in hand, and will give you an account of him soon. I have owed you for many favours, which I shall never forget, but I hold your present confidence in me in as high degree as any, and will do my utmost, consistent with my own safety, to serve you. 1 *p.*

Sir Philip Percivall's Company.

1643[-4], March 7.—Touching my company.

"I desire my lieutenant to cause my company daily to frequent the parish church, and to exercise them weekly.

"I leave one and fifty arms fixt, whereof sixteen are wheel-locks and spanners, and thirty-five half-bents and snaphances, which I desire to keep up.

"I leave John Warrillowe to keep the books of arms carefully, and the accounts of all receipts and disbursements touching the company, and none to be received or paid but to be booked by him.

"Henry Barrett, armourer, has agreed to perform his duty as the rest of the company and to have a special care of the arms at the charge of the company and to bring in no more bills on me, which hitherto I have found from him and others very chargeable.

"I desire that what may be received for my own billet may be delivered to my sister.

"I leave my lieutenant xs. a week, to be paid by Dan Hutchinson or some other way, in part of his entertainment . . . and I desire his care of me and the company, and of my sister and of my house."* *Draft, corrected by Sir Philip.* ¾ *p.*

Lord Lieutenant and Council to Sir Adam Loftus, Treasurer at Wars.

1643[-4], March 9. Castle of Dublin.—Warrant to pay £57 to Sir Philip Percivall for the buying of provisions for the use of the army, out of the monies payable according to an instrument signed by Lord Muskery and others. *Signed by the Marquis of Ormond and by Laurence, Archbishop of Dublin, Anthony, Bishop of Meath, Lords Roscommon, Lambert and Brabazon, Sir John Borlase, Sir Thos. Rotherham, Sir Francis Willoughby and Sir Henry Tichborne.* 1 *p.*

James Cusacke.

1643[-4], March 11.—Information by James Cusacke, "appointed by the General Assembly to be and supply the place of his Majesty's Attorney General of this his kingdom, at and by the

* Sir Philip's "Firelocks" were quartered in Bridge Street, Dublin. *See* report on the *Marquess of Ormonde's MSS.*, new series, i., 67.

relation of Dermott McCartie, *alias* McDonoghe. Where[as] the Catholics of this kingdom having taken arms in defence of his Majesty his lands and just prerogatives, the Catholic religion and the lives and estates of the said Catholics against the malignant party in this kingdom, who did complot and practice the destruction of his said Majesty his laws, the said Catholics and their religion, to the advancement of which cause, as faithfulness and honesty in the members of it is the necessary means, so perfidiousness and treachery in them or any of them may be a principal cause of destruction and ruin to the said Catholics and their undertaken (*sic*), the prevention of which ought to be the chief care and study of your honours:—now so it is," that one Cnogher Reagh Callaghane of Bellaballagh, co. Cork, while professing to be a member of the true Catholic cause, and enjoying all privileges and freedom within the Catholic quarters, has been all his life a chief instrument to Sir Philip Percivall, Sir James Cragg, and other evil ministers of the State, and gave them continual false intelligence and information, whereby many gentlemen and families in co. Cork, and especially in the Barony of Doohally, were ruined.

1. When Lord Mountgarret was encamped near Malloe, the said Cnogher Reagh repaired privately to Mr. Betchfoord [Bettesworth], commander of the castle, and by his information, prevented the surrender of the castle.

2. He has constantly relieved the garrisons of Newmarket and Liscarrol with provisions, sending them thousands of sheep, especially after the defeat at Rochfordstowne in the year 1642.

3. He deserted his own house "out of mere spite, that his land should be waste," and went with his family to the garrison of Newmarket, where he continued a long time.

4. He has, since the Cessation, taken lands of the enemy within the precincts of Liscarrol, and cultivates them, paying the fourth sheaf and other contributions, and choosing rather to be beneficial to the enemy than to the Catholics.

5. He has distrained his neighbours' cattle *damadges fesant* upon his lands of Kilberrihert, and impounded them in the bawne of the castle of Liscarrol, thus taking them out of the barony of Doohally into that of Orrery, which is contrary to the Model of government, and implies great trust and correspondence between him and the enemy.

All which treacheries and injuries are contrary to the safety of the poor Catholics of those parts, "and if it should please God further to continue this war, as the said Cnogher Reagh in peace time was an open and known instrument of their destruction and ruin, so in the war he will be a hidden and close viper in their bosom if not prevented."

Wherefore it is desired that a warrant may be issued to the said Cnogher Reagh to appear and answer the premises upon oath, and that such punishment may be inflicted upon him as is thought fitting.

Copy certified by Rob. Walsh. The date given in the endorsement only. 5½ *pp.*

1643-[4], March 11. Mallow.—"Depositions of witnesses, taken at the town of Moallowe, the 11th day of March, 1643, before Thomas Bettesworth, John Hodder and Arthur Bettesworth, esquires, commissioners appointed for the division of the baronies of Fermoy, Orrery, Dohalla, Condons and part of Muskery, for the English party, by virtue of a commission to them and others directed."

Thomas Reymond deposes that on September 15, 1643, at twelve o'clock, he was in possession of the castle and lands of Temple Connell (to Sir Philip Percivall's use), and that tidings having been brought him at six in the morning that some of the Magners were in ambush near the said castle and had taken one of the warders, named Bryen O'Donnell, he rode over from Liscarrol and placed four of his men there well-armed, to strengthen the ward, delivering to them the keys of the castle (which he received from Mrs. Mary Barry, Sir Philip's tenant) and giving them orders that two of them should go forth to look to the gathering of the corn, while the other two should remain in the castle and warily look to its safety. But about twelve o'clock on September 16, he heard that Thomas Barry, Cosny McKegan and Thomas O'Hingerdell "had in a friendly manner gotten therein, not being mistrusted, in regard they were quarter men by my lord of Inchiquin's protection, and much trusted with the care of the county," and were daily at Liscarrol, Dunraile, Mayallo, Cork and other garrisons; who, being entered, seized, disarmed and bound the warders, leaving them under a guard. They then went into the fields, accompanied by Edmond, Dennis, Richard and Fras. Stapleton, John Lombard and others, and seized the men and boys working there; took, in the castle and fields, five good guns worth 6*l.* and twenty-one horses, with cars and furniture, worth 40*l.*, six swords and belts worth 40*s.*, and moneys out of the men's pockets, sending the men to prison in several castles, where they endured much misery for three weeks' time. They also carried away the corn from the lands of Ballintrylie, Boolamore, Liskillie, Goortteenattee and Ballyn Jorden, all which lands were quietly in Sir Philip Percivall's possession at the time of the Cessation, but have been kept from him ever since.

By reason of which acts, Lord Roche has entered into the castles and lands of Ballenlyne and Ballinagurragh; Nicholas Barry into Ballyncurrig, Redmond Barry into Tullough and the castle and lands of Lisgriffin. John Lombard was tenant to Sir Philip "by putting in of the lord of Inchiquin at third sheaf" for the lands of Tullough, and also (at the fourth sheaf) for part of the lands of Bregoge, but since the 16th of September, he sets Sir Philip at defiance, and keeps the lands as in his own right.

The ward of Annagh, and the lands of Ballyaddam, Churchtowne, Rath, Cargeene, Caher Cnogher, Ahaghbourn, Ballyn Roe, Ballybane, Garregott and Lisnegreene, all of which were in Sir Philip's possession on September 16, are since occupied by

several intruders, by reason of the rising of Lombard, Barry, the Stapletons and the rest, who, until the said 16th of September, had ever carried themselves fairly towards all the garrisons.

None of the parties aforesaid, or any other of the barony of Orrery "did rise in the common action or declared themselves openly to do any act of hostility."

Brian McDonnell, of Ballymacow, deposes concerning his capture on September 15 by Edmond and James Magner, who threatened to kill him if Castle Connell was not given up to them, but (fearing that the ward of Liscarrol would be upon them) carried him prisoner to Canturk instead.

John Oge Barry, *Henry Beaton*, *Thomas Farmer*, *Edward Hellier*, *Henry Fudge*, *John Roberts* and *James Williams*, warders of Liscarrol sent to Castle Connell, depose concerning the taking of the Castle by Thomas Barry, Cossny McEgan and others, on September 16, under pretence of a friendly visit; their own imprisonments, and the seizure of Sir Philip Percival's garrans, muskets, oats, &c., on the lands of Ballytrellie, belonging to the said castle.

Isaack Anderton, *Ellyas Leall*, *John Baynard* and *Thomas Farmer*, warders of Liscarrol, depose that the ward of Liscarrol had quiet possession of Ballylyne and Ballynegeragh at the time of the Cessation. On September 14 they resorted thither to dig potatoes, as was their custom, and at Ballylyne "they found a poor stranger digging potatoes, which they took from him, with his spade, and digged some themselves, and that staying in those two places till the evening, they saw nobody in the possession of either of those places but themselves."

John Fisher and *William Young* depose that Ballyaddam, Churchtown, Cargene and Rath, Cahier Cnogher, and Bally Roe, were all in quiet and actual possession of the wards of Annagh and Liscarrol on Sept. 15, examinants "being continually up and down on the said lands, hunting and otherwise," and that on the 16th, it being "whispered amongst the Irish that there was a cabin built on the bog to challenge a kind of possession," they searched diligently, but could find no trace of one.

And all these examinates depose that up to Saturday, September 16th, all had been quiet in those parts, without suspicion or imagination of any uproar.

Edward Hellier and *James Williams* further depose that being taken to Lumbard Castle in Buttevant, they were there almost starved for want of meat, and applied to Serjeant Reymond to relieve them, which he did. But perceiving that John Lumbard gave them only part of what Reymond had sent, they complained thereof; when Lumbard replied that "there was enough to serve them so long as they were to live, for that they were all shortly to be carried to Liscarrol and there executed, if that said Castle were not surrendered."

Henry Fudge, imprisoned with others in the dungeon of Barry's Castle, deposes to the like effect; and they all say that they were kept miserably in prison, "some of them bolted with irons and all ready to be famished" for three weeks, when they were exchanged for some prisoners taken by Reymond.

Edward Hellier further saith that being called as a witness before Mr. Donnogh O'Callaghane at Clonmeene, long after, Thomas Barry and Cossny McEgan told examinant that they much repented that they had not killed them all, for then they could not have given evidence against them.

John Stevens, *Isack Anderton* and *John Baynard* depose that "the lands of Ballybane is the proper inheritance of Sir Philip Percivall, and hath been in his possession all the time of the late troubles, and was so the 15th of September last . . . and since to the very day hereof," the warders of Liscarrol having use of the woods, and daily hunting and riding there, and killing the deer, which no other party dared to do, or even to "cabin or boolly, or so much as graze any part thereof, except it were by stealth."

And all these examinates depose that the lands of Liskilly, Boolamore, Gortenattee, Ballyjourdane and Ballincurrig were in quiet possession of Sir Philip Percivall until September 16; and that Tullagh and Bregoge were held by John Lumbard from Sir Philip, the only dispute being whether he should pay the third or only the fourth sheaf, which difference was referred to Lord Inchiquin and is still undecided. And they all say that all things were quiet and silent about Buttevant and that part of Orrery, and no signs of rising by Lumbard or the rest "who were of the English party."

And these examinates further depose that six weeks before the Cessation, by warrant of Lord Inchiquin, Serjeant Reymond had entered upon the lands of Killballyvorihie, belonging to Teig Oge Carty, and possessed them until three weeks or a month after it, when Teig Oge, with some musketeers of McDonogh's, entered upon and has since held the said lands. Whilst deponents were assisting the reapers there, Capt. David Power's lieutenant, with about seventy soldiers, came and endeavoured to expel them, with whom they continued in skirmish for about four hours, after which they came to a parley, and agreed that the ward of Liscarrol should enjoy the corn of Kilballyvorihie, and Power's company that of "some lands adjoining near them." Also they depose that Serjeant Reymond had quiet possession of the castle and lands of Lisgryffin long before and at the time of the Cessation, and that neither Redmond Barry nor any other entered thereon until Saturday, 16th of September.

And they and every of them depose that the ward of Liscarrol had quiet possession of the lands of Gorregott and Lisnygreenagh at the time of the Cessation and until "about the 11th of this inst" March, when Fynen McDonnogh Carty, with his tenants, came upon the lands to erect cabins, and being forbidden, declared that they would "build and stay there, in spite of the warders' teeth."

Philip Oge Vaghane, of Moallowe, gentleman, and *Dermod O'Murrogh* and *William Hickey* of the same, butchers, depose that going about Allhallowtide with others of the country, both English and Irish, to Clare fair in Thomond to buy cattle, with a pass from Lord Muskery, another from Donnogh O'Callaghane,

Sir William Fenton and Lieut. Arthur Bettesworth, and another from David Roche, Lord Roche's son and heir, they were stopped at the Bruffe, in county Limerick, by John Lacy, pretended sheriff of the county, who declared that he had warrant from the County Council, under direction from the Supreme Council, for the stay of such cattle as should pass through the county, until the magazines should be fully supplied. After some discourse, the said Lacy let all the cattle belonging to the Irish pass, and only detained those which these examinates and the butchers of Cork (belonging to the English party) did drive. O'Vaghane obtained a letter from Lord Inchiquin to Lord Muskery, then at a general meeting at Waterford, whither examinate was compelled to repair, and where at length Lord Muskery gave him an order for restitution of his cattle and sheep, but the expenses of the matter and the damage done to the cattle is believed to amount at the least to twenty-six pounds, for which they humbly desire satisfaction.

Signed by John Hodder in various places. 10 *pp.*

Also some of the depositions given at greater length, signed by Thomas Bettesworth, Arthur Bettesworth and John Hodder. Copy. 7 *pp.*

LIEUT.-GENERAL PATRICK PURCELL to SERJEANT REYMOND.

1643[-4], March 12. Ballichalhan.—Stating that eight or nine days ago he sent a warrant to Mr. Donnogh O'Callaghane giving him power to employ any foot company in that county to "cess" upon the two Magners mentioned in Reymond's letter. If this former warrant "will not serve," he will employ soldiers out of "this county" [*i.e.* Limerick]. *Signed.* ½ *p.*

FORCES IN LEINSTER.

1643[-4], March 15.—Defalcations for provisions issued to the Leinster forces, since the last list (*see p.* 189 *above*). The amounts are much smaller, ranging from 1*l.* 9*s.* 0*d.* to 149*l.* 19*s.* 11*d.* *Each page is signed by Jo. Stoughton.* 9 *pp.*

SIR PHILIP PERCIVALLE.

1643[-4], March 18.—Appointing Val. Savage, gent., his deputy to execute his places in the Lords' house of Parliament and in the Court of Wards in Ireland. *Signed.* ½ *p.*

THOMAS BETTESWORTH to SIR PHILIP PERCIVALL.

1643[-4], March 24. Moall[ow].—I despair of this letter's finding you in Dublin, but not of its being sent after you. Being in Cork about eighteen days since, I arranged for our Commissioners for the quarter to sit in their several divisions, and received instructions to summon those of the other party to sit with us; whereupon I wrote to McDonnogh and Donnogh O'Callaghane, desiring their assistance, but received an answer so full of delays

that it amounted to a refusal. At the prefixed time, however, we proceeded with the business, and spent two days examining witnesses upon several complaints, Serjeant Reymond's amongst the rest, after which I returned to Cork with an abstract of all the complaints, where I saw our good lord of Inchiquin, lately landed, and also casually met with Sir Percy Smith, who told me that he was directed by you to ask me for the examinations and to transmit them from Youghall to Oxford. I had a copy made and delivered to him, which I hope has come safe to your hands, "by which you will find yourself rather wronged, than means how to be righted." Except Mr. Hodder, Arthur and myself, I hear of no Commissioners having sat anywhere at all. [The rest of the letter is about the inadequate satisfaction offered for Sir Philip's losses.] 2 *pp.*

SIR PHILIP PERCIVALLE'S rents.

1643 [-4, March ?].—Memorandum by Sir Philip, headed "A rent-roll of my rents [in Dublin], 1643."

Sir Paul Davys, for his dwelling house in Bridge Street	30*l.*
Moore, for a house and stable in Cook Street	8*l.*
James Carvan, now Thos. Hill, baker, for a house in Winetavern Street	16*l.*
Daniel Wibrants, for a cellar under the Black Boy in Winetavern Street	7*l.*
John Tarpoll, for a house in the Wood Key, called the Half Moon	15*l.*
Robert Heald, for a house called Tib and Tom and the meadows, 50*l.*, whereout 30*l.* was formerly paid to the Earl of Cork as assigned to Lady Dockwra, now to be considered mine, 10*l.* abate, to me rem.	10*l.*
Patrick Murphy and Thos. Colgin for two tenements there	1*l.* 10*s.*
	87*l.* 10*s.*

House in Bridge Street void.

"The rest abroad are for the most part in the hands of those in action."

"Rents payable by me."

For my dwelling house, to the Lord Primate	10*l.*
For my house and stable near Gurmand's gate, payable to the city	4*l.* 5*s.*

1¼ *pp.*

[SIR WILLIAM USHER?] to SIR PHILIP PERCIVALL.

1644, April 23. Dublin.—"Although we want you here, yet glad I am we have you there in that work wherein I beseech God to bless you. I doubt not but you may from others receive the particulars of proceedings here since your going away, but

whether they might be imparted with that freedom which now I presume upon I may well doubt, considering the times.

The last session of Parliament continued until the 18th of this instant; the next meeting is on the 6th of May. It might well be wondered at wherewithal the time would be taken up, but it is (to speak freely) to hasten our own ruin, as if it came not on fast enough before. We are now doing that which the Irish would do in that which they call *a free parliament*. It is by all means laboured that this kingdom may be declared independent unto England; that the act for the Adventurers having entrenched on the honour and independency of this kingdom may be protested against, than which what can be more pernicious and destructive to this poor state in our growing miseries. Easy it is to fathom the bottom of this design. The well-affected among us have interposed, as far as it stood with their [safety ?] †. It is strange to find, in so thin an house as ours must be, so many of the Irish faction, for ours, having no better way to hinder those proceedings than by offering [some] † matter for taking up time, propounded the taking of the Remonstrance at Trim* into consideration, wherein the honour of the House was so far reflected upon [?dispara] †ging the members and generally protesting against all the proceedings of the House; it being moved that the House would refer it to a Committee, who were to frame an [answer?] † thereunto, to be the next session presented, and that in the mean [time] † some general declaration might be made declaring it a false and scandalous writing. To [this it] † was answered by Mervyn that it appeared not that that book was theirs in whose name it was put out, and it being put to the Speaker to declare himself thereon (being one of the Commissioners), he refused to answer because he was a Commissioner. Then was it openly averred that it could not be denied that many things in [the] † book were true. And lastly, being put to the vote whether the book should come under any further debate, considering (as the Speaker said) it was before the King, and our agents authorised to appear against the falsehoods therein, the House was divided, the number of those that stood for it were returned twenty-seven, the negative, numbered by Sir James Ware, being twenty-six. Whereas, if he had not forgotten himself, the number had been equal and the casting voice for casting out the business had been the Speaker's. In this some said Sir James did but *patrizare*, his father, reckoning up all that should be saved in his parish, forgetting himself. What may be done herein the next Session I know not, but in all this long sitting it could not be again brought about, notwithstanding that it was afterwards credibly informed in the House that it was reported at Sir Luke Fitzgerald's house that the Remonstrance was read in the House and there allowed for truth. It might be hereunto added that Bath of Ackerne‡

* The "Remonstrance of Grievances." March 17. 1642-3. Printed by J. Bourke at Waterford. Given *in extenso* in Carte's *Life of Ormond*, iii., 136, and in Gilbert's *History of the Irish Confederation*, ii, p. 226.

† Words obliterated. ‡ James Bath, of Athcarne, co. Meath.

told Francis Moore, a member of the House, that he was as good a subject as he, and that it was a question whether [*i.e.* which] were the rebels. This was said in the Castle-yard, the House sitting, and being brought into the House and the matter examined, it was by the Irish faction carried and cast out. What the end of these things may be, you may, Sir, easily judge, so as it standeth you all upon (*sic*) to look on that work now in our hands as that whereon our future happiness or misery doth depend. I should condemn this freedom which I have now taken, had I not been confident to whom I write, the manner how I write, and the concealing of my name in this writing. Give my cousin Parsons my due respects, together with the rest of my good friends. *Signed* C. V. *or possibly* &c. *Minute writing, apparently disguised, but resembling Sir W. Usher's, on a scrap of paper only* 2½ *inches deep.*

The Delegates from the Council of Ireland to the Committee of the English Privy Council.

[1644, April or May. Oxford.]—The answer of the Protestant delegates from the Council of Ireland, viz: Sir William Stewart, Sir Gerard Lowther, Sir Philip Percivall and Justice Donelan, to the Propositions of the Agents of the Confederate Roman Catholics of Ireland.

May it please your Lordships, in obedience to your commands we have perused the propositions of the confederate Roman Catholics of Ireland and have consulted of them.

We are most humbly and heartily thankful unto your Lordships for that admonition you vouchsafed to give unto us when you delivered us those propositions (vizt.) that we should not be startled at them, for else we should have been astonished now to find and see that the Confederate Catholics of Ireland—

1. After so great effusion of so much innocent Christian blood of the Protestants of Ireland, his Majesty's most loyal, obedient and faithful subjects, treacherously shed by surprise in time of full peace and amity in cold blood, without any manner of offence or provocation ;

2. After so many damnably wicked, false and abominable scandals and treasons against his sacred Majesty, our most dread sovereign ;

3. After such miserable confusion and woeful desolation brought by them upon the Church and Commonweath of Ireland ;

4. After such and so many execrable murders, rapines, cruelties and high crimes committed by them ;

They should, instead of humiliation, submission and satisfaction, assume unto themselves the boldness to present unto his sacred Majesty such and so high, so strange and unreasonable demands as we conceive most of these propositions will upon examination appear to be.

My Lords, we find that those their propositions have been a work of much industry and long time, many things therein skilfully confounded together and propounded in generalities, which makes it very difficult to give any advice upon them or answer unto them. The time of deliberation your Lordships have

afforded us hath been very short, and therefore we humbly crave pardon if our answers and advices be weak and answer not your Honours' expectations.

We are poor, pillaged men, by this insurrection brought from competent estates whereby we were enabled to serve his Majesty and live with decency according to our several degrees, even almost unto beggary; yet in obedience to his Majesty's commands we have made hard shifts and passed through many difficulties to come from Ireland hither, that according to our most bounden duties we might attend his Majesty's good pleasure; but being ignorant of what should be demanded of us, we could not bring with us those instructions and preparations that now we find would have been fitting and necessary for us.

We are plain men, lovers of truth, which by God's help we will sincerely deliver unto your Lordships, but if either through want of time or any weakness and want of memory your Lordships receive not full satisfaction in anything propounded, we humbly pray your honours to propound that particular again unto us and to give us some further time of consideration, and then we hope to give your Lordships a clear account in every thing, and we humbly pray that if we shall fall short in any thing which we can after call to mind, that we may supply it.

Our intentions are clear for the glory of God, his Majesty's service and the good of the church and kingdom of Ireland, and therefore, if in this delivery of our joint sense any word shall fall amiss from me or from any of us in the discourse of these affairs, we humbly crave a favourable interpretation and your Lordships' pardon.

First, in the style of these propositions, we observe that they are presented in pursuance of their Remonstrance of Grievances and to be annexed to the said Remonstrance.

We have lately seen in Ireland a Remonstrance printed at Waterford by one Bourcke, who styles himself printer to the Confederate Catholics of Ireland, before which his Majesty's arms are affixed.

Other remonstrance we know none, and if this be that they mean we find it full fraught with errors, many things therein being utterly untrue and most things clearly mistaken and misinformed.

And, therefore, we humbly conceive and offer it unto your Lordships' grave consideration that the particulars of that their Remonstrance may be first examined, before that any resolution be taken or conclusion made upon any of these propositions.

To the end that the very truth of things may first be made known unto his sacred Majesty, and that the rather because that divers of the propositions upon debate will appear more or less reasonable as that their remonstrance shall be manifested to be true or false.

1. The first proposition pretends for religion and that pretended to be the quarrel.

That was pretended by Terone, and in almost all the great rebellions in Ireland since the Reformation, the exaltation of the Roman religion and restoration of their country and to shake off the yoke of heresy and tyranny (as they term it), that is to say, the Protestant religion and English government; but, my Lords, religion is not the only quarrel, for it appears by good proof that Sir Phelym O'Neale aspired to the crown.

The first proposition touching religion is not to be advised by us—

1. For it sets up Popery in Ireland in its full jurisdiction and function as it was before the reformation of religion.

2. It is general and indefinite, all acts, &c. whereby any restraint, penalty, mulct or incapacity may be laid &c., to be repealed, &c.

My Lords, the penal acts in force in Ireland and against the Roman Catholics are generally either against the exercise of foreign jurisdiction or of the function of the Romish priesthood, or to restrain scandal or to compel an outward conformity and obedience in the exercise of religion.

The ancient penal laws restraining the exercising of foreign jurisdictions are the statutes of 25 and 27 Ed. I., 38 Ed. III., 12 and 13 R. II., and 16 R. II., cap. 5 of Premunire; statute 2 Hen. IV., 7 Hen. IV., 9 Hen. IV., 3 H. V. made against provisors and purchasers of briefs, bulls, appeals, citations and other process from the Court of Rome, all these being the good laws of England now in force in Ireland by Poynings' Act made 10 Hen. 7, and many special penal laws enacted and in force in Ireland against those provisions, briefs, bulls, appeals and citations from Rome, even in the time of Popery when that mist of darkness was at the thickest, by which laws great mulcts and penalties are imposed upon the titular Archbishop, Bishops, vicars-general and other offenders, who daily exercise this foreign jurisdiction in Ireland (vizt.)—

Forfeiture of all their goods and chattels, restraint and imprisonment of their bodies, fine and ransom, at the king's will and pleasure.

And by statute of 16 R. II., cap. 5, the penalties of a premunire, which is a forfeiture of all their goods and chattels and of their lands in fee simple for ever, of their lands entailed for life, and imprisonment during life.

And upon this law 16 R. II., cap. 5, Lalor, the priest and Vicar-General of the See of Rome, within the dioceses of Dublin, Kildare and Fernes, was attainted in Ireland for the exercising of foreign ecclesiastical jurisdiction by authority derived from the Pope.

And also by this proposition shall be repealed those two excellent and moderate laws made in Ireland in 2 Eliz., cap. 1, restoring the crown to the ancient jurisdiction over the State ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same, and cap. 2 for uniformity of common prayer and service in the church and administration of the sacraments.

And the repeal of these laws will revive the statute of 3 and 4 Philip and Mary, which repeals all former laws made against

Popery in Hen. VIII.'s time and set up that idol of popery again in his full height and strength in Ireland as it was in the days of Philip and Mary and before the Reformation.

And that statute of 2 Eliz., cap 2, is not only against papists but also against Brownists, Anabaptists, schismatics, &c., and every recusant that comes not to church upon Sundays and holidays and abide not there orderly and soberly during the time of divine service.

Now if all these laws be repealed, we in Ireland are left in confusion—every man at liberty to make a religion according to his own fancy; thus your Lordships see how bold, strange and unreasonable a demand this first general proposition reduced unto particulars is, *In universalibus latet error.*

3. Thirdly, we call to mind and most humbly offer unto your Lordships' grave wisdoms and considerations in this cause those protestations and declarations in print which his Majesty hath made touching the true reformed Protestant religion, by which his Protestant subjects in Ireland have taken great comfort.

We also conceive it our duty to mind your Lordships of those instructions his Majesty gave unto his Commissioners for the Irish affairs soon after this insurrection in Ireland, dated 4 April, 18 Car., the first whereof is as followeth:—

You shall in the first place be careful how to inform and advise us how the true reformed Protestant religion may be maintained, practised and professed in that kingdom; idolatry, ignorance and superstition diminished and suppressed, and to perform and execute all things requisite for the effecting thereof according to the laws and statutes of that kingdom with such gentleness and moderation that all our loving subjects who have been seduced and misled may discern our princely care not only to protect their persons and estates according to the rules of justice and the laws of that kingdom, but also to provide for their souls and consciences to be instructed in the ways of salvation.

Your Lordships well know how far all these things are either from a repeal of any statute against popery or allowing of any freedom to popery.

The over great and too public exercise of the Roman religion in Ireland hath been the cause of the rebellion in Ireland.

4. Fourthly, 'tis conceived by most of the Protestants of Ireland that the great multitude of their titulary pretended Archbishops, vicars-general, &c., and the swarms of their priests, jesuits, friars, and other limbs of that hierarchy of Rome, and that over free executing of that papal jurisdiction and the functions of their priesthood in that kingdom, hath been one of the greatest causes of all the late and also of this last insurrection.

5. We further conceive it our duty to remind your Lordships of a statute made in England, Car. 17, entituled an Act for the speedy and effectual reducing of the rebels in his Majesty's kingdom of Ireland to their due obedience to his Majesty and the Crown of England and pray your Lordships to take it into your consideration before you determine anything touching this proposition.

By this statute 'tis ordained amongst other things that if any person whatsoever shall make any contract, promise or agreement to introduce or bring into the realm of Ireland the authority of the See of Rome, in any case whatsoever, he shall forfeit by virtue of the act all his lands, tenements and hereditaments, entailed or not entailed, and all his goods and chattels which he or any other hath in trust for him at the time of such promise or agreement, &c.

And 'tis clear that if it be agreed that those acts be repealed and that they be allowed the freedom of their religion, the authority of the See of Rome is again introduced and brought in the realm of Ireland in much fuller strength than it was before the reformation of religion.

And for these reasons we humbly advise that no way be given unto this first proposition, but rather that a strict course be taken against those Babylonish and Antichristian sects of Jesuits, seminary priests, monks, friars, nuns, and their confederates.

2. The second proposition is—1. For the calling of a free parliament in Ireland, to be held and continued as in the Remonstrance is expressed.

2. For the suspension or repealing of Poynings' Act, and the acts explaining it, &c.

The present Parliament now in being at Dublin in Ireland is a free parliament, holden and continued before a person of honour and fortune in that kingdom, of approved faith to his Majesty and acceptable to his people in Dublin, a place most convenient and the time now seasonable.

In this Parliament there be many Protestants, his Majesty's loyal, faithful and obedient subjects, who we conceive will be ready to comply in all things that shall appear unto them to be for his Majesty's service and for the good of that church, kingdom and people.

So that in this Parliament such laws may be passed by agreement of parties as shall be thought fit, which laws will probably be of more reputation and more lasting and less scandalous than if they were passed by a parliament consisting of the Confederate Roman Catholics.

That which they call a free parliament must consist of papists, for there can be very few or no Protestants in it.

1. Because that most of the Protestants are already murdered or have fled that kingdom or are employed in his Majesty's service and cannot attend there.

2. And if that their pretended free parliament be granted, we humbly conceive and are of opinion that those Protestants that remain in Ireland will fly the kingdom, and those that are already fled or employed abroad will not return until that storm be past, many good Protestants, loyal subjects, having openly declared before we left the kingdom that if such a parliament be called they will abandon that kingdom as a place unsafe for Protestants to live in.

3. There be not sheriffs in many counties to return the writs of summons for a new parliament; for although the Confederates at their Supreme Council at Kilkenny have set up new sheriffs, Justices of Assize, oyer and terminer and gaol delivery, marshals, coroners, constables, and a rabble of other counterfeit officers, who by that illegal and unwarranted power do daily tyrannise over his Majesty's subjects, imprisoning their bodies, adjudging them to death and executing them, yet these be not such officers unto whom the King's writs can be awarded or by whom the King's writs can be returned.

4. There be no Protestant freeholders left in the country to give their free votes in the election of the knights of the shires, nor inhabitants left in the towns to give their free votes in the election of burgesses, so that this their pretended free parliament cannot be a free parliament as unto the protestants.

5. 'Tis to be well weighed and considered how perilous it is now to put so great a power into their hands of whose actions and breaches of public faith we have so lately had so sad experience.

6. Against their desire of having this their pretended free parliament several reasons were solemnly transmitted out of Ireland hither unto his Majesty's principal secretary by the body of the Council of Ireland which we humbly advise may be considered of.

Poynings' Act.

Touching the suspension or repeal of Poynings' Act and of all acts explaining or enlarging the same, 'tis a very high demand and of a most dangerous consequence.

Poynings' Act is one of the wisest Acts that ever was made for the establishment and continuance of the English government in Ireland and for assuring of that kingdom unto the Crown of England. It is one of the precious jewels of his Majesty's imperial diadem.

We beseech your Lordships to observe and consider the wisdom and the ways of this constitution of Poynings' Act and the acts explaining that.

First, it is ordained by Poynings' Act, 10 H. 7, cap. 4, Poynings' Act and the statutes explaining it—

That no parliament be holden in Ireland but at such season as the King's Lieutenant and Council there first do certify the King, under the great seal of that land, the causes and considerations and all such acts as them seemeth should pass in the same parliament, and such causes, considerations and acts affirmed by the King and his Council to be good and expedient for that land, and his licence thereupon, as well in affirmation of the said causes and acts as to summon the said parliament, under his great seal of England had and obtained. That done, a parliament to be had and holden after the form and effect before rehearsed, and if any parliament be holden in that land hereafter contrary to the form and provision aforesaid, it be deemed void and of none effect in law.

The statute of 3 and 4 Phil. and Mary, cap. 4, explaining Poynings' Act, ordaineth that such considerations, causes, tenors, acts, provisions and ordinances as by the Lord Lieutenant or other or other chief Governor and Council of Ireland shall be thought meet and necessary to be enacted, shall be certified into England. That those so certified and there affirmed by the King and Council and no other shall and may pass and be enacted.

This is an excellent test and singular good trial of a law, &c.

The Chief Governor and Council of Ireland, who live upon the place and can best discern and see the mischiefs and inconveniences in the Commonwealth, and are sworn to the King's honour and profit and have great estates in the kingdom, which are to be the supports of themselves, their families and posterities, are to certify upon their oaths nothing but that which they shall deem to be good and expedient, meet and necessary for that realm. This so certified is to have the test and approbation of the King and his Council of England before it can come into the Parliament of Ireland.

Now, my Lords, if the intentions of the Confederate Roman Catholics be good and fair, they may abide this view and trial; and surely they give a very great and just cause of fears and jealousies to the Protestants that they refuse this first course of trial, and endeavour to take from his Majesty the advice, assistance and faithful counsels of his Privy Councillors of both kingdoms, which is a strange boldness.

But they object, that to pursue this course of Poynings' Act is a slow way. They desire a suspension of this Act only for the speedy settlement of the present affairs.

My Lords, this had been a pretty objection if there had been no lawyers amongst them, but their lawyers might know that the suspension of Poynings' Act is the furthest way about for the present despatch of affairs.

But for the speedy settlement of the present affairs this present Parliament now in being at Dublin is the most immediate way.

For Poynings' Act can neither be suspended nor repealed but by Act of Parliament, and by the statute 11 Eliz., cap. 8, in Ireland no bill can be certified into England for the suspension and repeal of Poynings' Act before the same be first agreed on by a session of Parliament holden in Ireland by the greater number of the Lords and Commons, and this will require much more time than the passing in this present parliament now in being of such laws as shall be agreed on.

For according to their propositions a new Parliament must first be called, and that cannot be but according unto Poynings' Act; (2) sheriffs must be appointed for the returning of the writs of summons and the writs must have 40 days betwixt the 'teste' and the return, then a bill must be agreed upon in a session of that parliament for the suspension of Poynings' Act and that bill must be approved to be good and expedient, meet and necessary for the realm by the Lord Lieutenant and Council

there and by them certified hither, and then affirmed by the King and Council here and sent back into Ireland under the great seal. Which evidently is a great circuit and of more delay than the passing of acts in this present Parliament that shall be here agreed upon.

If they obtain that which they call a free parliament, and Poynings' law and the acts of explanation suspended, they need make no more propositions.

They may then assume all power into their own hands, they may do or undo, make or mar, what they please. We have had the sad experience of the unlimited power they assume to themselves in Parliament, notwithstanding Poynings' Act, for voting impeachments against the judges and his Majesty's ministers, in voting and making ordinances, provisions, and declarations of law, and by those they pretend to bind the people in perpetuity without the royal assent and they will make it good by their swords notwithstanding Poynings' law. Your Lordships have heard of these queries against the Privy Councillors, the judges and officers of state, and indeed against the government.

We have heard of a popish lawyer making a reading upon them in the House of Commons, and by faction and the votes of ignorant burgesses making resolutions of law and declarations of Parliament against the opinions of the learned and reverend judges of the law.

And if they once again attain the means of assuming unto themselves of this unlimited power, which *de facto* they have done before, and we have no assurance but that they will do it again, then we beseech your Lordships to consider what they have vowed to do by their oaths of association, wherein they do in the presence of Almighty God and all the angels and saints in heaven promise, vow, swear and protest to maintain and defend as far as they may with their lives, power and estates, the public and free exercise of the true and Catholic Roman religion against all persons that shall oppose the same ; and after some other protestations touching the King and his prerogative, &c., they swear to oppose and by all ways and means to endeavour to bring unto condign punishment, even to the loss of life, liberty and estate, all such as shall either by force, practice, councils, plots, conspiracies or otherways, do or attempt anything to the contrary of any article, clause or anything in that present vow, oath or protestation contained, so help them God.

We are further to acquaint your Lordships of a bull of the present Pope Urbanus 8, published in Ireland, even since the cessation, giving a plenary indulgence, as in the year of jubilee, for the destruction and extirpation of the Protestants there.

By these things your Lordships may forsee in what case religion and the Protestants of Ireland are likely to be if they obtain this their pretended now free parliament.

Why may they not vote and declare for laws all their orders made by the lords spiritual and temporal of their General Assembly at Kilkenny touching the establishment of popery, their new framed government and the exercise of their tyrannical and

arbitrary powers, &c., some of those their orders being also demanded to be granted unto them in those their new propositions and they being then sworn unto all of them.

It appears by the twenty-third article of the Graces granted in the year 17 Car., that the committees of Parliament at their last being here, of which some of these agents then were, did not then presume to desire a suspension or repeal of Poyning's Act, but desired only a little alteration in Poynings' Act (vide) the immediate transmission of bills agreed in Parliament unto the King and Council in England, omitting *pro salute* the Chief Governor and Council of Ireland, with whom they are for the most part discontented, but the lords of this most honourable Privy Council having then considered of that article, after much debate had with the committees did not think fit to advise his Majesty to alter Poynings' Act,

And so we humbly conceive upon the whole matter that the new Parliament, as by them 'tis desired in this second proposition, is not to be granted, and that Poynings' Act and the Acts explaining and enlarging this are not to be suspended or repealed.

3. To the third proposition, touching the annulling, declaring void and taking off the file of all Acts and ordinances passed in the Parliament of Ireland since the 7th of August, 1641—

We humbly conceive that this general proposition thus universally propounded is of most dangerous consequence and unfit to be yielded unto.

For there be many orders and declarations made of great weight, especially touching the Ulster rebels, who began those horrible massacres and butcheries and great effusion of blood.

There be other ordinances also touching his Majesty's service, and the yielding to this proposition would be a great discountenancing of the Protestants and encouragement to the Papists.

4th Proposition. For the taking off the file, annulling and declaring void, by proclamation and Act of Parliament, all indictments, attainders, outlawries, in the King's Bench or elsewhere since the 7th of August, 1641, and all custodiams, bonds, recognizances, &c., that depend thereupon, &c.—

My Lords, if it be well weighed and considered how loud and pressing the cries of rapine and blood were at that time, and how just and legal those proceedings are, it were an Act beyond all example and precedent and of most dangerous consequence to grant this proposition, and therefore we cannot advise it.

1. In due course of law this manner of discharge by taking records off the file is never done but when there is most gross abuse and misdemeanours of fraud or falsehood or such like discovered and proved.

2. It would much tend to the justification of all their unjustifiable actions.

3. It will be such an affront and prejudice unto all his Majesty's officers, ministers and faithful subjects as would discourage them and all men to do his Majesty service upon the like urgent and pressing occasion.

4. It is against law and justice that monies legally brought into his Majesty's Exchequer and paid out to the army or for other his Majesty's occasions should be restored to the malefactors; that custodiams granted to the captains and officers of the army and other his Majesty's good subjects for their service and for their subsistence, they wanting their pay, should now be taken from them to their utter undoing and restored to the offenders whom they prosecuted.

5. This course will breed a new and great confusion, a multitude of actions for mean profits legally received and justly taken, great troubles and vexations for things legally forfeited and disposed of. It will prejudice the private interest of many particular good subjects, contrary to the law of the land and the rule of justice, and will cause great grief and sorrow of hearts to see restitution made unto the malefactors, when as no restitution is made unto his Majesty's good Protestant subjects of their losses, &c.; and some other and better means may be found for the security of such of the confederates as his Majesty shall hold fit of mercy and favour.

And therefore we cannot advise that way may given unto this proposition.

5. To the fifth proposition, concerning the mutual releasing of debts betwixt the Protestants and Papists or all to stand *in statu quo prius*—

We say that when it shall appear that the Protestant party and their adherents are equally guilty with the Confederate Roman Catholics, then this request may seem to stand with some colour of reason, but in the mean time we conceive this fifth proposition to be altogether unreasonable.

1. The discharging of all debts in general being unjust.

2. Such debts as have been legally brought into the Exchequer and disposed of for his Majesty's service ought not to be restored.

3. It is not just nor reasonable that debts due by the Confederate Roman Catholics unto the Protestants and employed by the confederates unto the maintenance of their armies for the destruction of the Protestants be remitted.

Further, we conceive that this fifth proposition is most illegal and unreasonable, for the debts owing unto the Confederate Roman Irish Catholics are by their attainders justly and legally forfeited unto the Crown and brought or to be brought into the Exchequer or legally granted by his Majesty, and therefore no reason that these should be released or restored to the Papists; but the debts owing by the Papists unto the Protestants are as unjustly levied and disposed by the Papists and taken from the Protestants as they have taken from them the rest of their goods and their estates and lives, and therefore in all justice, equity,

honour and good conscience the Protestants ought to recover their debts from the Papists and no act ought to be done to debar the Protestants of them.

And therefore we cannot advise that way be given unto this fifth proposition.

6. Unto the sixth proposition, concerning the plantations, the vacating and taking the offices off the file, and the passing of the statute of limitations:—

This proposition is proposed in very undecent terms.

We know no late offices taken or found upon any feigned titles, or upon any titles so old but that if any subject had so fair and so good a title and could not receive the benefit of it, he would complain to the King of injustice.

We conceive that all those titles found for his Majesty in the late offices taken since the year 1634 are legal, honourable, good and just, and this we shall make appear to your Lordships if you will be pleased to enter into the examination of them.

For his Majesty's title to the county of Wicklow and the territory of the Birnes, it is not only found by office but also letters patents passed thereupon and confirmed by Act of Parliament.

The sept of the Birnes are mere Irish, stirring upon every rebellion and infesting of the castle, city and suburbs of Dublin and most active in this rebellion. Hugh McPhelim Birne, a chief projector and conspirator in this rebellion, a colonel and a chief actor and murderer in it. The territory of the Birnes was granted by King James unto the Earl of Carlisle, and afterwards purchased by King Charles for 15,000*l.* really and *bona fide* paid, afterwards passed from the crown at the yearly rent of 2,000*l.* *per annum.*

The parcel that we conceive to be intended in the county of Kilkenny is the territory of Idãgh, which was usurped by the O'Breenans, a sept of thieves without any right or title, who were a perpetual disturbance to the peace of that country. The land was formerly granted unto the Earl of Ormond, the Earl of Londonderry and others. After the office found, the land was passed upon the Commission of defective titles, confirmed by Act of Parliament, a rent of 40*l.* *per annum* reserved to the crown.

Now if these offices, letters patents, Acts of Parliament and assurances be overthrown otherwise than in a legal way, there will be no security left in the kingdom for any man's estates.

For Connaught:—

The Lords Justices and Council of Ireland by their letters unto his Majesty's principal Secretary of State, dated the 24th of April, 1641, and by other letters of the 8th of May, 1641,* the true copies of both which we present unto your Lordships, sets forth the state of the business touching his Majesty's title and the plantation of Connaught at large, showing the clearness of his

* *See* Cal. S.P. Ireland, 1633-47, pp. 275 281.

Majesty's title, the necessity and excellent fruits of that plantation, and therefore we humbly pray that your Lordships will take those letters into your considerations;

For although that, by the Graces granted unto them into (*sic*) the 17th year of his Majesty's reign, his Majesty was graciously pleased to forego and discharge these intended plantations in Connaught, Clare, Limerick and Tipperary, notwithstanding the several offices duly taken, finding a legal, just and honourable title thereunto, of which grace and bounty they might have reaped the fruit if they had had the patience to have stayed the due time, *scilicet* until November, 1641, until which time the Parliament was adjourned, and had not prevented it by the insurrection in October, 1641; yet now we humbly conceive that they do not stand in the same condition as before, for if the lands had been passed according to the Graces they had been forfeited unto the crown by this insurrection, and consequently they have now forfeited that grace and bounty of the King's and have made now far more necessary to make a plantation than ever before.

This insurrection hath drawn a great debt upon the Crown into the civil and martial lists, and hath destroyed the revenue, so that somewhat is now fit to be thought on to raise revenue and for the better settlement of the country.

Somewhat should now be thought on for reward of service, as unto the Earl of Clanricard, who hath yet faithfully stood in the cause, often relieved his Majesty's fort of Gallwaye, and done many other great and remarkable services in Connaught. He hath succoured and relieved all the English and Protestants in these parts and made his houses and towns a refuge, nay even a hospital, for the distressed English.

He and all those who have been his followers and faithful in all these extremities should have some eminent mark of his Majesty's favour and be distinguished from the rest of the Irish, who have risen up against the King, who ought to bear some mark and remembrance of their high crimes.

The statute of limitations in the year 21 James.

For the statute of limitations, when you have resolved that there shall be no more plantations nor further revenue raised to the crown upon the Commission of defective titles, then after the perfecting of other things now in agitation and to be agreed upon, that act of limitation may be granted unto them, which will be good also for securing the estates of the Protestants.

7. This proposition touching the incapacity of purchasing of lands, offices, &c., of building of schools for the education of their youth, &c., doth obliquely cast some aspersions of tyranny upon the state, as though the natives had not power to purchase lands nor bear office, nor to have civil education in their own country, &c. Whereas in truth it is far otherwise;

For although anciently the mere Irish were held as aliens and enemies and could not purchase lands without charters of

denization, &c., yet now this is long since antiquated and they are as capable to purchase lands, leases and hereditaments as well as the English, only in some plantations where the crown was justly intituled unto the land and for plantation granted several parts of those lands unto the British, it was held fit in point of state and good christian policy that a condition should be added in those patents that the patentees and their heirs should not alien to the Irish, to the intent that the British should not be suddenly purchased and rooted out to the destruction of the plantation, but that he and his posterity should always remain freeholders there for indifferency of trial, strength of the government and service of the crown.

And the condition also in the King's case is agreeable to law and no prejudice to the Irish, considering the great benefit they receive by the inhabitation of English amongst them. And now, by reason of the great poverty the Irish have brought the English unto by robbing and pillaging of them, they are more likely now than ever to purchase them out.

Touching offices, we know no incapacity in the natives but their own inconformity unto the laws established and in force in that realm, neither are the natives there more uncapable in Ireland than the natives here are in England, and we conceive that they conforming themselves in religion and unto the laws of the kingdom, should be as capable of offices as others.

Touching education of youth, ample provision is made already in the kingdom of Ireland.

By the statute 28 Hen. VIII., cap. 15, the minister and incumbent in every parish shall keep a free school in the parish by himself or his deputy for teaching of children the English tongue.

By the statute 12 Eliz., cap. 1, there is a free school in every diocese for the Latin and Greek tongues and other grammar learning, at the charge of the clergy and impropriators of the diocese.

In all the plantations made by the King and his royal father, there be free schools erected, richly endowed with lands and revenues worth one, two or three hundred pounds *per annum*.

There is a free school kept by the Court of Wards for the education of his Majesty's wards.

There be free schools in divers corporations founded by Protestants, none, that we know, ever founded by the Papists.

There is a college and university founded and endowed by Queen Elizabeth, augmented by King James. The revenues of it were worth about 1,500*l*. *per an.* till they were destroyed by the rebellion.

Yet we humbly conceive that it is very fit, if so it may stand with his Majesty's good pleasure, that they be allowed to build as many free schools and universities as they please, so that they be ordered and governed by protestant schoolmasters, ushers and teachers and governors and by such laws and statutes as are agreeable unto the laws of the land, and as the like schools and

societies are governed by in England, and that under colour and pretext of these there be not built and kept schools, universities and seminaries of priests, Jesuits, friars, &c.

Touching Inns of Court, it hath hitherto always been the wisdoms of former times to have the youth of that kingdom of Ireland that were studious of the laws that they should be brought up in the Inns of Court of England, which are the chiefest fountains of law, that they might learn and see the reverence and gravity of the judges and professors, the dignity of the Courts of Justice, &c., and this was a great means to civilize the youth and to breed unity and amity between the gentry of both kingdoms.

Yet, nevertheless, if it please his Majesty, such a law may pass as is desired, so that these societies be ordered and governed according to the laws of the realm, and usages, customs, statutes, orders and ordinances of the Inns of Court in England, and be not made seminaries and receptacles of priests, Jesuits, friars, &c.

8. Concerning the conferring of offices and places of command, honour, profit and trust in Ireland upon papists in equality and indifference with protestants:—

We humbly conceive that their desire expressed in this proposition is contrary to the laws established in that kingdom, as it is in like cases in England, and therefore we cannot advise it. But we conceive that such natives as conform themselves unto the religion, laws and government ought to receive all good respect and encouragement and advancement in this kingdom, as in truth they have, both in church and state; and we further humbly conceive that in reason it ought to content them if the natives of Ireland have as much and great privileges in Ireland as the natives in England have in England and upon equal terms.

9. Touching the Court of Wards and respite of homage, we do not know of any oppression done unto the subjects of Ireland by reason of them.

As for the Court of Wards, the same hath been proceeded in with great moderation according to his Majesty's commission and instructions and the Graces formerly obtained from his Majesty; the rates set down by those instructions and Graces often abated but never exceeded.

Great care is taken in bringing up the heirs of the nobility and gentry, his Majesty's wards, in religion, learning and virtue; a school, school master, usher, and all other necessary attendance kept for them, which hath gained many good protestants, and truly this is the greatest tyranny and insupportable oppression that makes the Court and officers of the wards so clamoured against, because that so great care is taken for bringing up the youth his Majesty's wards in true religion.

Besides, by this court the estates and evidences of his Majesty's are preserved from encroachment and abuse, younger children are provided for and debts paid where the estates will bear it and where the ancestor did not make provision for them.

By this court the dependency of the subject is drawn immediately upon his Majesty, which was formerly usurped by the Irish lords, and his Majesty's tenures, the flowers of his crown, are preserved. And now, considering the great use of it even at this present more than in former times, we cannot advise the taking away of that Court but rather that it may be established by Act of Parliament as it is here in England.

And if any abuses can be assigned in the court, myself* and Sir Philip Percivall, two officers of that Court, by his Majesty's favour are here ready to answer them, and are as desirous as they that all abuses may be reformed.

Touching the respite of homage, his Majesty was graciously pleased upon the suit of the late committee of this present parliament in Ireland, by the 28th and 29th articles of the last Graces in Car. 17, An. Dom. 1641, to settle a course therein to the satisfaction of all parties concerned, whereof they had had the benefit by Act of Parliament, had not the confederates by their own actions prevented the same.

And albeit that we humbly conceive that the confederates by reason of their insurrection and high crimes stand not in the same state and condition of favour as before; yet if it may now stand with his Majesty's pleasure that those former Graces touching the respite of homage be confirmed unto them, or that a certainty in lieu of that respite of homage may be assured unto his Majesty and his heirs, so that it be such a sum and paid in such a way as may be no prejudice unto the crown and beneficial to the subject, we shall not dissent from it, knowing that it will be equally beneficial unto his Majesty's protestant subjects as unto them.

10. Touching the votes of the peers in parliament, we do not conceive it to be reasonable that Lords estated in the kingdom should lose their votes by reason of their non-residency, and the request made in this proposition will take away the votes of many peers of the realm that are protestants. But touching this and their proxies, a rule hath been already laid down by his Majesty in the 25th article of the Graces in Car. 17, An. Dom., 1641, which we humbly conceive may be satisfactory, unless his Majesty shall be pleased to add some further limitations and qualifications thereunto, having regard to the times.

And for admission into the House of Commons, we humbly conceive that the law be observed.

11. Touching a declaration of an independent parliament in Ireland not subordinate to the parliament of England, &c.:—

This proposition concerns the high courts of parliament of both kingdoms and is above our reach, and therefore we humbly desire to be excused and not to intermeddle therein.

12. Concerning the jurisdiction of the Council board:—

We conceive that the Council board in Ireland hath exercised jurisdiction ever since the English government.

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* Sir Gerard Lowther, who was Attorney of the Wards.

That by the late printed instructions and directions for the regulating of the Courts and course of justice in Ireland and by the 10th article of the Graces in Car. 17, An. Dom. 1641, the Council board is limited in what causes and cases to proceed, unto which we refer ourselves, and conceive it necessary, considering the times, that the jurisdiction of that board according unto those restrictions and limitations be continued.

Concerning the illegal eviction of patents and grants, there or elsewhere, it is so generally proposed as we cannot answer. If particulars be instanced we shall give satisfaction.

13. For the repeal of the statutes 11, 12, 13 Eliz. concerning staple commodities &c. and of the settling of the book of rates:—

We humbly conceive that the first part of this proposition, for the exportation of the native commodities, is already regulated by his Majesty's Graces, granted unto the late committee of the parliament of Ireland in Car. 17, An. Dom. 1641. And therefore we wonder that they trouble his Majesty and themselves with it again, and that the rather because that we know well that they drive the least part of the trade in Ireland. This concerns the British, the protestants, as well as them and more than them, who desire not now their agency in any particular but have agents of their own.

We further conceive that, by reason of the great scarcity of leather in England, hides may be transported into England at easier rates than into foreign countries.

That the felony be taken away totally, but that [there be] a great penalty for the carrying of sheep, wool, wool-fells or flocks into any country but England.

14. Concerning the Lieutenant or Chief Governor not to continue above three years nor to purchase lands:—

This 14th proposition is a most politic proposition against the English government, for if it be granted, they will be sure no Englishman of honour and ability will ever undergo that place, and this will prevent the coming of a great many protestants out of England who came with the Governor, purchased lands and settled themselves and their fortunes there, to the increasing of religion, civility and good husbandry in the kingdom and improvement of land, &c.

We conceive also that the first part of the proposition is in itself untrue and scandalous to the government, for the continuance of the chief governor hath not been any cause or occasion of any tyranny or oppression, &c. This will be a restraint of his Majesty's just prerogative and power, who at his pleasure may appoint, continue and displace governors as he sees cause.

We humbly conceive that this often change would be prejudicial to the government, for the greatest part of three years will be spent before a governor can rightly understand the state of the kingdom and conditions of the people, &c.

There was an old ordinance *per stat. Hibernie* that inhibits the chief governor to purchase, but we never heard or read that it was put into execution.

Many conceive it would be good for the land if the governor were be estated therein. Of this your Lordships can better judge than we, and therefore we humbly submit it unto your Lordships' better judgments and unto his Majesty's good pleasure. But we fear the true intent of this proposition is to exclude the English government, for if no governor may continue above three years and cannot purchase lands nor return to the government until six years after the expiration of the first three years, no man of honour will come forth of England to govern Ireland, as we have formerly observed.

15th Proposition. Concerning trained bands:—

We conceive it to be of absolute necessity that such an army be constantly maintained in the kingdom of Ireland as his Majesty in his wisdom shall think fit, in such manner as was formerly prescribed for the preservation of the religion and government and of his Majesty's prerogatives, rights and revenues, and for the safety of his good subjects and the security of the kingdom.

But for the raising and settling trained bands in the country, we humbly conceive the time as not yet seasonable for it. The militia there must be kept in the king's hands, and if it be intended that those trained bands must consist of the confederates, as at present they needs must, the protestants for the most part being murdered or fled, we conceive this to be utterly unsafe for his Majesty's good protestant subjects, and the greatest discouragement that can be for the repeopling of that kingdom now wasted by the present war.

16. Concerning the Act of oblivion:—

We conceive this Act of oblivion to be very general and of a strange nature. How shall this extend equally to all, when all are not equal offenders. They are not all bloody murderers nor principal conspirators, &c.; some were seduced, others deluded and misled.

Of the malice and grand plot of the utter extirpation of the British nation and protestant religion out of the kingdom of Ireland all are not equally guilty, nor are they all equally guilty of the blood of so many thousand protestants cruelly spilt upon the earth, and therefore a distinction must be made between the greater and the lesser offenders.

My Lords, the land is defiled with blood, and therefore for conscience, honour and justice sake, for example sake, terror, and prevention of the like insurrection and murders in time to come, this Act of oblivion (if it may be at all) cannot be so universal. We conceive it necessary that some examples of justice be made, and yet that the fountains of his Majesty's mercy should not be stopped unto those that have been seduced, deluded and misled by those grand plotters and conspirators of those murders and high crimes.

Care ought to be had of his Majesty's revenue and of the interest of the distressed protestants.

His Majesty's revenue in 1640, before this insurrection, was near one hundred thousand pounds *per annum*. They have seized of his Majesty's rents, customs, subsidies, duties, above £200,000. There is now nothing left in the treasury or likely to come into it for the support of his Majesty's great charge or for payment of the civil or martial list, and there are very great arrears due unto both.

Besides, there be other great debts upon the crown. The charge of the list of the army, besides the new Scots, amounts to above eight hundred twenty-five thousand pounds by the year. The charge of the civil lists amount unto above twelve thousand pounds *per annum*.

Consideration is also to be had of the rights, interests and estates of his Majesty's good protestant subjects, who have had their estates violently ravished from them by the Irish in this insurrection.

Lastly, we pray that it may be considered how this Act of oblivion the confederates desire can stand with the Act of Parliament made in England in Car. 17, for reducing the rebels of Ireland to the due obedience of the Crown of England.

'Tis too boldly propounded that—after such wicked, abominable and false scandals cast upon the King, after such miserable destruction and desolation brought upon the church and commonwealth of Ireland as no memory or history can example, after the murder of two hundred and fifty thousand protestants, and after the ravishing from the protestants all their estates and fortunes, [whereby] they have gained above ten millions of our treasure—they should quit all by a general Act of oblivion and be thereby encouraged to begin a new score of rebellions and treasons.

17. To the 17th proposition, for their trial of the notorious murders, breaches of quarter and inhuman cruelties in their new parliament, which must consist most of papists and of the confederates themselves, who have treacherously and by surprise murdered the protestants in time of full peace, amity and unity and in cold blood without any provocation :—

We account them to be no competent examinators, triers or judges in these affairs. Besides, there is a wide difference between the killing on their parts and on ours, for on their parts the killing is murder, of malice forethought, most wicked and abominable, but on our part and the King's army it is a legal prosecution of them in justice to reduce them to obedience, &c.

No man ought to be judge and party, and yet here they would be accusers, examinators, witnesses, triers, jurors and judges. Can any man believe that they mean to accuse their own followers or to arraign themselves at the bar of justice? 17 *pp.*

Endorsed by Percivall: "The copy of the speech by Sir W. S.; Sir Ger. L.; Sir P. P.; J. D." [*Cf. the answers of the Protestant agents, Borlase's* History of the Rebellion, *p.* 184.]

ANDREW SYNAN to SERJEANT REYMOND.

1644, May 6. Kilbolane.—"There is such wrangling among our common thieves for garrans, as no honest man can be sure of his own where perjury may prevail." If you can help this poor man to prove his right to a garran which he says was bought from some of your ward, you will do a charity to him, and a favour to me. ½ *p.*

LORD INCHIQUIN to [DONOGH O'CALLAGHANE].

1644, May 12. Donneraile.—Having always found you more reasonable than most, I desire to correspond fairly with you, but cannot suffer the intruders to remain upon the lands of Ballin Creagh save upon this condition, that the matter shall be fairly debated before indifferent Commissioners, and that if the lands are found to belong to the English quarters, the people shall pay grazing money at so much a head as shall be agreed upon. If you will not agree to this, the lands must be left waste until the controversy be ended. In this case, I may not omit to give the intruders disturbance, whereof I give this notice, that my proceedings may not be miscalled a breach of the Cessation. *Copy.* 1 *p.*

THE SAME to THE SAME.

1644, May 18. Donneraile.—Agreeing to the suggestion to have the rent in controversy deposited, although he thinks his own plan the easier of the two, and assuring O'Callaghane, in answer to his complaints, that if anything has been done more than was necessary to maintain possession, the offenders shall be punished, though it is not to be expected that he should give sentence upon them until after the matter has been decided by the Commissioners. *Copy.* 1 *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1644, May 23. Downraile.—Desiring that two or three horsemen may be sent with the bearer, Mr. Fell, his chaplain, to convey him some part of the dangerous way over the mountains towards Kerry. *Signed.* ½ *p.*

Certificate of PATRICK DARCY and [DR.] GERALD FENNELL.

1644, May 25.—Owen O'Callaghane and Donnell Oge O'Dowgane have this day made faith before us that at the beginning of the last troubles, Cnogher Reagh O'Callaghane was possessed

of lands in Coolegeely "as of his own inheritance by way of mortgage," and of other lands [mentioned below] by way of long leases, paying a yearly rent to Sir Philip Percivall; and that the said Cnogher and his tenants "answered country charges out of the said lands all the war" and continued in possession until about September 20 last, when one Anthony Magner entered into Bealaballagh and Killberrihert; Teige McDermott Carty into Coolegeely and Gortneleiragh; and a little later, Edmond McSwyny entered into Banemore and Rathenane, and Daniel and Cormock O'Connell into Gortneskreggy. *Copy.* ¾ *p.*

Orerleaf,

Order of the Supreme Council of the Confederate Catholics of Ireland—upon consideration of the above affidavit, and also of Lord Muskery's order of Jan. 10, *and the certificate of two of the Referees for deciding the controversy—that the High Sheriff of co. Cork shall establish the plaintiff in the quiet possession of the lands* [*recited as above*] *in the barony of Duhallow, co. Cork, on penalty of* 1,000*l.*, *and that the defendants shall make satisfaction to the plaintiff of the profits by them taken, or appear to show cause to the contrary. Signed Thomas Cashell, Fr. Thomas Dublin, Emer Don*[*ensis et*] *Coner*[*ensis*], *Edmond Fitzmorice, Richard Belings, Thomas Preston, Patrick Darcy, Garrett Fennell, Thomas Fleming. Kilkenny. May* 26, 1644. *True copy.* ¾ *p.*

Edward Shynan's relation.

1644, May 30, Oxon.—Notes endorsed as above. Edward Shinan FitzRobert of Castlepooke, one of the warders of Liscarroll, says that a month before Christmas, 1641, Sir William Power came to the Spittell ford, near Liscarrol, and pretended that he would save Sir Philip Percivalle's cattle, being, as he said, his friend, and raised men, and stole the arms of some of the neighbours, and robbed a great abundance of cattle of Sir Philip Percivalle and others.

"Redmond Barry and McDonogh were very earnest with Edward Shynan to betray Liscarroll by throwing over the wall the sentinal, who must rise up high to look over the wall when he should hear a strong cry under the castle wall, which they would make," and offered the said Edward "a ploughland free, and the best suit and half the goods of the castle. . . . William Barry of Bregoge agrees with Redmond in the general, and John Lombard is against them and possesses Bregoge.

"Garret McRedmond Barry of Liscarroll is a captain among the rebels, and he and his father have little to live on.

"James Fitz Nicholas Barry, grandchild of Mc James, agreed with his grandfather and with General Garret Barry.

"James FitzNicholas' wife maintained an army of rogues at Anagh against Liscarroll until the battle at Liscarroll, and then they gave up the castle, and since, they live at Walshestowne

and Mogaine, by the allowance of the Lord of Inchiquin, and plough much and are bound to pay sheaf to Liscarroll.

"All the neighbours generally extreme false to the English."

In Sir Philip Percivall's hand. ¾ *p.*

Petition of DERMOD MCCARTY, *alias* MCDONNOGH, esquire, to the SUPREME COUNCIL at Kilkenny.

1644, June 10.—States that Cnogher Reagh O'Callaghane held his lands in Duhallow at the beginning of the war, partly from Sir Philip Percivall and partly from petitioner, but that "the said Cnogher—being of an unsettled disposition, and little affecting the Catholic cause, and more inclined to the adverse party," for that he was "a known instrument to Sir Philip Percivall and other malignant persons in those parts, to receive and give intelligence and intimations of the acts of the nobility and gentry of that county from time to time, to their great prejudice"—had relinquished his holding, saying that the country charge was more than the profits of the lands, and praying petitioner to dispose of them. Wherefore, finding the lands waste, and "the said Cnogher always wandering between ours and the enemy's quarters," petitioner, for the public service, and by authority from the Commissioners of the army for the said county, let the said lands, about Michaelmas last, to Anthony Magner, Edmond McMoyle, Murry McSwynie and Teige McDermott Carty, "for this year of Cessation," they paying the country charges.

But the said Cnogher having, about May 26 last, obtained an order from their Lordships to be re-established in the lands, petitioner prays that he may be summoned to appear and make good his claim, or that the matter may be referred to the Commissioners of the army, and that in the mean time, the said order may be suspended. *Copy.* 1½ *pp.*

Underwritten,

Order by the Supreme Council, referring the matter to the Commissioners of the Army for co. Cork, suspending their own order on O'Callaghane's behalf, and desiring that whatever order the Commissioners give shall be observed by both parties. Signed, Fr. Thomas Dublin, Malachias Tuamensis, Richard Belings, Edmond FitzMorice, Patrick Darcy, George Comyn, Garrett Fennell. Dated, as above, at Kilkenny. Copy. ½ *p.*

Petition of CNOGHER REAGH O'CALLAGHANE to the SUPREME COUNCIL.

1644, June 29.—Complains that having been re-instated in his lands, according to their order of May 26 last, and having paid the assessment lately made for the present expedition into Ulster, and all other arrears of the country charges since the commencement of the Cessation, their lordships have now, upon

a most false petition, presented by one James Nash in the name of Dermott McCarty *alias* McDonnogh, Esq., referred the matter to the Commissioners of the Army in co. Cork. And forasmuch as petitioner is in quiet possession of the premises, and that he can expect "no indifferency" from the Commissioners of the Army, "in regard the said Mr McDonnogh's son and heir is one, and the rest either brothers, uncles, or cousin germanes unto himself or his said son, and of no alliance" to petitioner, he prays to be continued in possession until he be evicted by due course of law, or summoned before their lordships to make answer, which he would willingly do. 1 *p.*

Overleaf,

Original Order by the Supreme Council that both parties are to appear before them on July 15 *next, that they "may be the better informed to do justice in this suit"; that the reference obtained by Dermott McCarty shall be suspended; and that the petitioner is to remain in quiet possession. Signed: Fr. Thomas Dublin, Malachias Tuamensis, Netterville, Edmond FitzMorice, Geffry Browne, Gerald Fenell, Geo. Comyn. Dated as above, at Kilkenny.* 1 *p.*

Lord Inchiquin.

1644, July 11.—Order by Lord Inchiquin, in the difference between Thomas Reymond, gent., and James Fitz Nicholas Barrie, Esq., that Barrie forthwith deliver up to Reymond the Castle of Walshestowne, his charges in repairing the same being assessed by Thos. Bettesworth of Mallowe and John Barrie of Ballie Clogh, esquires, and paid by Reymond out of the fourth sheaf of the corn now growing on the lands of Walshestowne and of Mugawne; and further, that Barrie and his tenants are to be allowed to remain on the lands, ploughing and sowing them, for another year, on payment of the fourth sheaf at harvest time. *Signed.* 1½ *pp.*

Lord Inchiquin to Serjeant Reymond.

1644, July 18. Cork.—Does not conceive that at present there is so much danger as Reymond apprehends, but would have him be very careful and stand upon his guard. Expects by the end of another week to hear further, and will then send him orders what to do. Has given directions to his cornet to put Reymond in possession of Walshestowne in case McJames (*sic*) will not deliver it up. *Signed.* ½ *p.*

Lord Inchiquin to his brother, Lieut.-Colonel Harry Bryan.

1644 [July ?*]. —"It is most certain that if God do not now assist us to defend ourselves, the Irish have resolved to leave

* Lord Inchiquin declared for the Parliament on July 17. The Wareham garrison was sent over to Munster in the middle of August. *See* S.P. Interregnum E. 7., *pp.* 155, 177.

never a Protestant in Ireland, and to become subjects to a foreign prince if our King do not turn Papist, whereof they seem confident. But although I cannot believe the King will change his religion, yet we find that he hath put this kingdom and us into the power of the Irish, who we know will prosecute with all malice the extirpation of the English. Wherefore our duty to God, and our own safeties, call upon us to neglect the King's service in other things and to preserve his interest against those who are his most dangerous enemies, wherein I hope you will not fail to assist us; and to that purpose I pray use all expedition to get your regiment (or as many of them as you can) into the town of Wareham, from whence you may come to the Parliament shipping that will come to take you in and transport you for Ireland, where the soldiers will now have extraordinary good pay, and thereof I pray you assure them, as also the officers, and that for their arrears, it shall be paid them in adventure. I have not time to write to Tom Pigott, but I hope this letter unto you will be inducement enough unto him to come to an employment in this cause. Your speed in following my advice will be an engagement on me for ever to continue your affectionate brother."

Copy certified by Col. Wm. Jephson and two others. ¾ *p.*

THOMAS REYMOND to SIR PHILIP PERCYVALL.

1644, August 5. Liscarroll.—I have written twice to you in England, directing my letters to Mr. Perry at Bristol, but have not had a word from you since you left this kingdom. Lord Inchiquin has taken great pains concerning your affairs, but the adverse party have restored nothing, in spite of my orders from their great powers. I have left off trying to get justice from the Irish party, who take no heed of the orders of their chiefs, and will never be reduced to conformity but by conquest. They have lately made several plots to murder Lord Inchiquin and all the English in Cork, Youghal, Kinsale and other garrisons, and have used all devilish plots to surprise Liscarrol, but the great God "whose name be for ever blessed and praised," has so far protected us from their bloodthirstiness. Lord Inchiquin has turned out great part of the aldermen of Cork and Youghal for their treachery, and other great ones there, and had it not been for his vigilance "I dare swear there had not been now living in all Munster one Englishman to tell his grief." Perceiving that there was an intent of a new insurrection, and that McJames meant to follow the rest, I moved Lord Inchiquin to restore to me the Castle of Welshestowne, that, if they did rise, we might have our castles in our own hands, which his Lordship granted, and at last I have got it, put an English ward into it, and repaired it the best I could. There would have been a good harvest if we might have gathered the corn quietly, but the country being so disturbed, with raising of forces and making of meetings on all sides of us, I fear I shall be able to give you but a sorry account of it.

"It is credibly reported that the great general and our chief enemy, the Earl of Castlehaven, is killed, and his troops and forces routed and slain, for many of his soldiers are coming back desperately wounded and some without arms, that with weeping and swearing testify the same." I should have written oftener but Mr. Hodder told me that no one durst carry any letters over. My greatest ambition is to preserve your three castles of Liscarroll, Annagh, and Welshestowne, until I may safely deliver them into your hands. 2½ *pp.*

T. M[AULE] to SIR PHILIP PERCIVALL.

1644, August 17. Chester.—I wrote to you at large when you were at Oxford by Alderman Wakefeild, but have only heard once from you since your coming into this kingdom.

Some months ago I wrote to your friend Sir Robert, desiring a pass for Dublin, but have had no answer, therefore I pray you send me one, directed to Mrs. Elizabeth Willbroum [Wilbraham] who lives at Derfort [Dorfold], close by the Nantwich. I have sent three letters to my Lord Marquis and Sir Paul Davys and other friends, but have had no return as yet. Mr. Smith landed in Wales on the 25th of last month and went direct to Court. He did not come this way and is not returned as yet. I pray your advice concerning my wife and children, for she is very desirous to come over to see her mother, who she hears is with you. Things are not as well in Ireland as I could wish, and I intend to stay here till I hear thence and from you. "I pray you tell Mr. Loftus I hope to live to see him and his suffer as much as he makes me and mine. I am forced to put away my plate at an under rate, which I hope he and his friends will answer for't, either in this world or in the world to come." Your friend Arthur Trevor is here in town and rules all with the Prince [Rupert].

"I pray you present my service to all your friends and mine in Queen Street, and to your own lady, and all hers, and tell her her brother Beverley is here, very well, and so God bless you."

Postscript. "I hear that my Lord Lother and Justice Dollolent [Donelan] hath gotten a pass. The messenger that brought it cannot learn what is become of them, for they are neither in Oxford nor in Wales, nor here. Nich. White is now going as fast as can be to God almighty I hope."

Unsigned, but endorsed by Sir Philip: "17th Aug. T. M., rec. 10th September." 2 *pp.*

LORD INCHIQUIN to SERJEANT REYMOND.

1644, August 29. Cork.—I thank you for your advertisements, but must desire you always to send me the grounds thereof, and how you could prove that such things are designed. "Here are lately come some Parliament shipping into our harbour who offer us great assistance and supplies if we will accept thereof. Their coming hither is now chiefly to see in what condition we are in (*sic*) and how disposed. They have at present furnished

us with some good quantity of munition, and assure us of a very sudden supply of at least ten thousand men, with money, arms and necessaries proportionable, so that we may be confident of relief with all possible speed. In the mean time we must expect very strict siege in all places," therefore you must fortify yourself with all the skill and speed you may, and also look well to the Castle of Annagh. *Signed.* 1 *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1644, Sept. 9. Cork.—Stating that if Mr. Fisher does not make a more provident distribution of the corn and provisions he shall be turned out, and desiring Reymond to give notice to all the wards round about "to do what they can for relieving of themselves by preying the enemy about Sunday next" without expecting further orders. *Signed.* ¾ *p.*

THE SAME to THE SAME.

1644, Sept. 11. Cork.—Countermanding his directions of the 9th; and praying that if possible some pikes may be sent to Cork. *Signed.* 1 *p.*

DONOGH O'CALLAGHANE to SERJEANT REYMOND.

1644, Sept. 23.—Regrets the trouble given by Mr. Magner. Has no power alone, as a Commissioner, but if a complaint is made to the Commission, will be ready to join in anything thought reasonable. ½ *p.*

RICHARD GETHING to SERJEANT REYMOND.

1644, Sept. 26. Cork.—"My Lord [Inchiquin] bids me write thus: that you should seem to keep all fair correspondency with the Irish, and give out (but not to bind yourself) that you will obey my Lord Lieutenant's directions and not my Lord's, if they do disagree, so as they will let you have fair quarter, and that you will not receive any ward or forces from one side or the other, but desire to be quiet, and to keep your Castle for Sir Philip that trusted you. By this means you may with the greater freedom provide yourself and your ward of what you want, which my Lord would have you to be very careful in, and to sit still until you receive orders from his Lordship, for although my Lord have yielded to the new Cessation for no longer than till Tuesday next, yet if the Irish desire it, he will hold it longer. We have great good hope of supplies out of England, and till they come we must do as well as we may. If the Irish do stir, we are able to make their hearts ache, for all their braggs." You shall hear further shortly. 1 *p.*

JOHN [McROBISTON] BARRY to CAPTAIN THOMAS REYMOND.

1644, October 1. Ballycloghy.—The country being now quiet and the Cessation proclaimed by the Marquis of Ormond, he desires to know whether the garrisons of Liscarrol and Annagh will consent to the peaceable determination of the said Cessation, that they may all live "like neighbours of good neighbourhood and without any politic intention." This is only to be satisfied concerning those garrisons, as he himself has "never deserved otherwise" of his neighbours.

Endorsed: "Mr. McRobiston's letter." ¾ *p.*

SIR PHILIP PERCIVALLE to JOHN HODDER.

1644, October 1.—I thank you for your care and pains during the whole course of the war, and wish I could reward you and others according to their deserts, but see no hopes of better times as yet. "God's hand is not shortened; and when he hath chastised us a little more, as we have all deserved, He will doubtless relieve us, and reward the perfidy of our adversaries." If Reymond cannot keep all my three places, he had better secure what he can in Liscarrol and Anagh, and "undermine and burn down the third [Welshestowne] as Dromdowny was." I pray you to give him your best advice and help.

"I have cause to doubt some pretended friends will attempt to surprise those places; you know at this distance I am no more able to supply than to advise them, and supplies from others I believe will not be so seasonable as you expect, and therefore all diligence, industry and good husbandry is to be used. I long much to hear in what state you are there, as well in your particular and mine as in the general, and to understand from you how those places of mine are provided, and whether you have any intercourse with Dublin, and what you hear in certainty from the North, Dublin or Connaught, for we hear not the direct way as we were accustomed, nor do we understand upon what terms things stand there." I should be glad if without too much trouble you could send me a brief of exactly how things stand in your books, as I cannot get at the account you sent me before. *Copy.* 1 *p.*

[SIR WILLIAM USHER to SIR PHILIP PERCIVALL?]

1644, October 4.—"Your letter of the 28 of May I received, being all that of yours hath come to my hands since our parting. I find not that you have heard from me, of which I desire by the next to receive something, for some letters may be dangerous in miscarrying. We are now taken up in our fatal work, the concluding of (shall I call it) a peace. My Lord [Ormond] hath too much power, all being left to him, and yet if he observe it, he hath nothing at all, while he is limited to such a conclusion as shall be for the honour of his Majesty and the security of his protestant subjects. The Irish agents (theirs call them Commissioners) are

the Lord of Muskery, Alexander McDonell, Nicholas Pluncket, Sir Robert Talbot, Dermot O'Brien, Patrick Darcye, Geffrey Browne, and John Dillon. I cannot omit a passage at the Board concerning this matter between the Lord Chief Justice and Nicholas Pluncket (one now wholly Jesuited). Among other things in debate, the proposition for taking off the file all records of indictments, &c., of the, &c., was one*; concerning which Pluncket offered the means and way of proceeding therein, viz.: that the judges before whom those indictments were found should be questioned in the Castle Chamber by order of that Court, the illegality of the proceedings declared, and the records withdrawn; whereunto the other answered, that if it were questioned in that Court, he could not but acknowledge his error and the justice of an heavy censure for being remiss in prosecuting those so found and others of that crew; which had I done (I give you his words) I should not be thus checked now at this Board by rebels. Rebels, whom mean you in it, said Pluncket. You (replied he) and the rest of your complices, for so to me you appear on record, and so shall I esteem and call you till I see cause to the contrary. This may be accounted a bold speech, considering the times, the place and the business, so much by others countenanced. Hereof I have credible information. What is done in this great business is now transmitted to his Majesty, the Irish agents being most of them withdrawn until the 4 November next. The Cessation was continued to the first of December next. The Irish and Scotch armies have been two months in view of each other [in Ulster] without attempting anything against each other; the truth is the Irish durst not, and the Scotch could not while the other had the Blackwater at their back, bogs on either hand, and were well secured before. Thus lay they at Charlemount until that upon discovery of their careless quartering beyond the Blackwater, Major Royden [Rawdon] was sent over with five men out of each troop of eighteen, who in the night fell into an horse quarter at Kinard, where lay one troop only of the rebels, whom he surprised and for the most part took and slew. So retired, though not far from the main body of the Irish, but they were taken up with an alarm given at the same time on the other side by seventy drums sent out on horseback guarded with sixty horse, who in the dead of the night much troubled the enemy, and having sufficiently discharged their work, they returned with some cattle taken near the rebels' trenches. The terror hereof, and the discovery of some further intentions of the Scots in that kind, had so wrought with Castlehaven that he marched away in the night, being twenty-four hours on foot ere he was missed and so past recovering. All his ordnance he left at Charlemount, commanded by Fitz Gerald of Ballysonan (for Sir Phelym O'Neale is outed). I am confident the Scots cannot give an account of three hundred of Irish by them slain in so many months, yet cannot Castlehaven

* This was the 4th Proposition (of the Confederate Commissioners). For debate *see History of the Confederation*, iii. 278; printed from *Carte Papers*, Vol. xii

show of his twelve thousand carried to the North, five thousand at his coming or running off. God did the work and wasted many of them by one of the plagues of Egypt, a botch breaking out into lice. Yesterday Robert Coppinger, Mayor of Cork, was here knighted for good service in running away with the sword of office belonging to that city, which he presented here with a learned speech against Inchiquin, and had the honour to be answered with another from my Lord. Ormesby and that party in Connaught are said to be a thousand foot and three hundred horse. The whole country is theirs at pleasure, none daring to dispute the matter with them, neither the President, Costellough, nor the commander of the forces of that province, Clanrickard (so is he by commission since Wilmot's disgrace), nor can the Irish find the confidence with their forces returned from the North to look that way, but Castlehaven is recruiting and will [be] back (he saith) to do something in the north which he before forgot. 'Tis the last report here, if any such thing be, it is but to bring off what is left at Charlemount (if they can do it). I have done little in that you expected from me, but I am doing it, of which I shall hereafter give you an account, neither shall Plunkett's threatening me to be questioned in their free Parliament for what I had done terrify me from proceeding, but the rather stir me forward if I have let any time slip. If it be possible, let me see what is set out in print by our agents, or if Watson's book be published; so shall I know how far I may go in my work, otherwise I may *actum agere*. Give my good friends [*names cancelled*] my due respects, and my service to your good lady and whom else you see of my friends there. I wish I could send you a copy of his Majesty's answer to the Irish propositions, which are not in the hands of the Irish agents, they having left the country in haste, and the answer being by the Secretary sent over to my Lord for his private instructions for managing this business. I had the means of finding it out; in brief the Irish have as much if not more than they could in reason hope for. Mr. Edmond Borlase is now going over, who can show it you. You may inquire of him by Mr. Reynolds, who was here. There was good hope that the treaty for peace had been at a stand while the Irish stood mainly for the repeal of the statute 2 Eliz. and the Lord Lieutenant opposed it. He could do no less, for his Majesty's answer is that they shall have the same connivance that was found in the most favourable times of Queen Elizabeth and King James, but not the repealing of the statutes. That point was to be referred to his Majesty, but since I hear that the Irish have contented themselves with that proferred to them, being urged by the Lord of Clanrickard and assured by the Lord Bishop of Ossory (Williams) that his Majesty would never assent unto it, and that there might be danger in delays, but whether this has operated anything with them I know not, or how the matter is now transmitted to Court. The Irish were so obstinate in this point that it gave occasion to some to think that they intended a breaking off, in that they till then complied with

the Lord Lieutenant, but on the sudden fell off upon the report brought hither of the landing at Dungarvan of twenty six commanders with arms, ammunition, powder and money. The Irish agents lodged together at Lord Dillon's house in Dammas Street (now an ordinary) where they had a constant guard of my Lord Lieutenant's new raised firelocks (being his life-guard) commanded by Col. Trafford. This guard attended them to the Castle and back again. They sat at the treaty with those of ours (among whom Sir William Ryves and Sir Maurice Eustace were two); they stood when the Lord Lieutenant sat at the Board; the place was in the gallery." *Copy.* 1¾ *p.*

[Sir William Usher to Sir Philip Percivall?]

1644, October 8.—[Gives the substance of the King's answer to the Irish propositions at considerable length.] "Sir Henry Tichbourne and Sir James Ware, with the Lord Taaffe and Col. Barry, are to attend his Majesty with the proceedings in the treaty. That wherein it sticks is referred to the King, these being appointed to appear, some for the Council, the other for the Irish (I had almost said) rebels but I dare not, seeing one Bennett, living at the Inns, is now brought in as a delinquent for that word spoken in the general. On Monday last came hither news of a great victory his Majesty had obtained. The Lord Taaffe, being then in the Castle gallery, stepped into the balcony looking into the Court, and with a loud voice cried out, 'Where are these roundheads; bring hither all the roundheads in Dublin, here is news for them.' The Judges are not yet come over. This day old Captain Parkins is buried. Here is a commission for enquiring and seizing on any goods belonging to the rebels in London (so the words are). The Commissioners are most of them persons of noted integrity, Sir Robert Forth, Col. Trafford, Major Pesly, John Stoughton, Dr. Cooke and Brian Jones. I cannot think the Exchequer will be much the richer by this. I know not what we may lose in disaffecting the Londoners, our best friends, for so it is hoped they may be as already they have been. There is sent from hence twenty barrels of powder (you know our store is full) but whether for Chester or Leverpoole I cannot write. I wish, Sir, you might prevail for publishing that you call Watson's book. If the annexed examinations, wherein his Majesty is vindicated in some aspersions by the rebels cast on him, do displease or be cause of keeping back the book, they may be withdrawn without prejudice to the discourse, those [passages] in it being omitted that refer to the annexed examinations.

"One Nicholas Walker, a rebel [who] for murder and robbery since the Cessation, which he confessed before Sir William Ryves, was by him committed to Newgate some months since, is now released by order of the 9th of this month, signed Ormond, Roscommon, Brabazon, Lambert.

"I must leave off writing for I can write nothing that good is, only (which I had almost forgotten) that the good Duchess of

Buckingham, now here resident, was set upon in her coach by the soldiers, hardly escaping, but not escaping the foulest words that you can imagine she might meet withal. This (it is thought) may send her hence, where she doth nothing that can bring us good. The reason of the tumult was that the soldiers were informed that she had some weekly allowance for her maintenance, whereby their pay fell short. If it be so, it is not well."
Copy. 2½ *pp.*

[Valentine Savage to Sir Philip Percivall.]

1644, October 31.—Warning him that some of quality have, since his departure, expressed much ill will of him, and that the purchaser of the Brick house and his son have said they would do him a mischief if they could. A clerk was offered fifteen pounds to make a certificate which it is thought might lessen his merit in the service. He refused, but the offer has been made to another, and although the man declares that no certificate could hurt one "who all men knew had contributed more towards the maintenance of the army when the State were at a non-plus than could be expected of any private man," and had engaged himself deeply to keep off the cessation, yet the fellow is poor and discontented and so it is believed has done it. *Copy.* ¾ *p.*
Endorsed: "Ult. Oct. Dp. Val." [Deputy Valentine.]

Capt. John Hodder to Sir Philip Persevall in London.

1644, November 5. Cork.—Your servant, Mr. Reymond, has still possession of Liscarrol, Aynogh and Welchestowne, and my own house, Mr. Dampir's, Francis Persevall's and Thomas Bowles' are all in good safety as yet. I have done my utmost for this army, as will appear by several letters from Lord Inchiquin to the honourable House of Parliament, and as my noble friend Mr. Gyles Greene can show you, whom I have asked to solicit in my behalf. "There came hither very lately three ships from Holland of good burdens, laden with provisions, one for Cork and one to Kinsale and another to Youghall, all for benevolence of the poor distressed English. Had they not come in, it would have gone very hard with us; God send us a supply from London, for we expect every day to be besieged by the Irish. Were it not for the Scots in [the] North, which holds them hard to it, they would have been with us long since. I can write no certainty of their proceedings, for my Lord can by no means convey to them or hear from them." 2 *pp.*

G., Lady St. Leger, to Sir Philip Percivall.

1644, November 20. Cork.—"I should injure both your goodness and my own confidence in that real affection which I well know was mutually borne by you and my late dear husband each to other, if I should account it necessary to make any apology unto

you for this trouble which my own necessitous and disconsolate condition enforceth me to press upon you." Arrears of nearly 4,000*l.* were due to my husband when he came from the north, for most of which Mr. Loftus gave him bills of exchange upon the subsidy collectors and others, but some of the bills not taking effect (as that upon my Lord of Cork) at least 1,500*l.* was left unsatisfied, and yet Mr. Loftus has charged the whole amount upon the King's account. I pray you to speak to Mr. Loftus and press him to make some arrangement for the payment of the residue, "and in case you find him either obstinate or averse to reason, which I hope he will not be (in regard I observed him to be in very great esteem with my husband, who did not use to value men that were not of worth and integrity)," I beg you to advise me what to do. His brother, the Vice Treasurer, alleges himself to be wholly ignorant of the business. "I do so confidently assure myself of your accustomed goodness to me and mine, that having too much imposed upon you in matter of trouble, I will not aggravate your pains with impertinent compliment." 2 *pp.*

LORD INCHIQUIN to SERJEANT REYMOND.

1644, December 10. Cork.—States that although there has been a private correspondency with some of the Irish party, yet the Supreme Council are so far from acknowledging themselves obliged thereby that they are drawing forces from all parts, have sent men with pickaxes and spades into Barrymore and Imokilly, and have by public proclamation inhibited all trade and traffic with the English quarters. He has written to the Supreme Council that unless they will bind themselves, on behalf of the whole party, to observe the agreement, there can be no further correspondence with them, and (as there is no great likelihood that they will yield) he desires Reymond to put Liscarrol into the best posture of defence that he may, and, in case he hears nothing before Saturday night, to do all that he is possibly able for his own advantage upon the enemy. *Signed.* 1 *p.*

THE SAME to THE SAME.

1644, December 13. Cork.—Charging him to forbear all acts of hostility until further orders, as intimation has been received from the pretended Council at Killkenny that they are content to stand to such agreement as shall be concluded between Lord Muskery and himself. *Signed.* ½ *p.*

THE SAME to THE SAME.

1644, December 20. Cork.—States that he has received an undertaking from Lord Muskery, on behalf of the whole Irish party, to observe "a fair quarter and correspondency" until the 1st of February next, and has signified his acceptance of the same; wherefore Reymond is to give notice to his own and the neighbouring garrisons to desist from all hostile actions. *Signed.* ½ *p.*

LORD INCHIQUIN to SERJEANT REYMOND.

1644, December 24. Cork.—Repeating his news of the cessation. Is very glad Reymond is in so good a condition to do service, and hopes, before the cessation is "effluxed," to put him in a still better one. *Signed.* 1 *p.*

[SIR PAUL DAVYS] to SIR PHILIP PERCIVALL.

1644, December 30.—Hopes that his letters, sent by Hutton and Bostock, have been received ere this. Lord Lowther and Justice Donelan only arrived two or three days before Christmas, and then, and not till then, he received Sir Philip's letters of June 3rd. The tenant of the house and stable in Cooke Street is brought to a very low ebb and cannot possibly pay his proper rent. He might have his choice of several good houses to live in gratis (as many others more able do), only to preserve them from destruction (there now lying waste above twelve hundred houses), and also he finds his health suffer "by the dampness and unwholesomeness of the low room on the earth, and the old stone walls about it, in the room where he daily sits at his painful and unprofitable work." He has spoken with mother V. and brother W. [Mrs. Usher, sen., and Sir William Usher], but can come to no resolution without consulting Sir Philip. 1¾ *pp.*

CAPT. JOHN HODDER to SIR PHILIP PERSEVALL in London.

1644, December 30. Cork.—Has received his letter and sent the enclosure to Mr. Reymond. The cessation with the Irish continues from month to month; what the event will be at last, God knows. They are at a very low ebb in Cork, having only beans and rye bread left, and those will only last three weeks. If it had not been for the Dutch ships, they would have "suffered long since." Will make up the accounts, and when next anyone travels to Dublin) (which is very seldom) will send them to Sir Wm. Usher. 1 *p.*

THOMAS REYMOND to [SIR PHILIP PERCIVALL].

1644[-5], January 2. Liscarroll.—I hear that McJames wants to get Welshestowne again and Annagh, and that he often rode to General Barry's and invited him to his dwelling at Imogane. He would have been very troublesome if the cessation had not been renewed. It was generally thought that it would not be, "and our castles were bestowed beforehand"; Mallowe to Mr. Donnogh O'Callaghane; Liscarroll to Mr. McDonnogh (who is the vilest man, and the worst enemy you have); Annagh and Welchestowne to the Barrys, Miltowne to Capt. David Poure. Now it is renewed till February 1st, and the Irish party are making all preparations, and boldly declare they will have no more cessations with Lord Inchiquin, and that we in the

castles "are no better than hogs put up a fatting." However, if we have but some reasonable force come over by then they would soon be humbled. Misdoubting McJames, I got an order from Lord Inchiquin for possession of Welshestowne Castle, and was to pay McJames what he had spent in repairs (upon view by indifferent gentlemen), but "no men will value the same, his demands are so unreasonable." 2½ *pp.*

LORD INCHIQUIN to SERGEANT REYMOND.

1644[-5], January 16. Cork.—Has written to Lord Muskery concerning an inhibition of free trade between the Irish party and their own; asking the removal thereof, or his Lordship's further resolutions, before Saturday night, at which time, if he has heard nothing further, Reymond is to get whatever he can from the enemy. Meanwhile he and the other wards are to be well on their guard. *Signed.* ¾ *p.*

THE SAME to THE SAME.

1644[-5], January 18. Cork.—In consequence of some intimations from the Irish quarters, Reymond is to "observe correspondency" with the rebels, notwithstanding his Lordship's previous orders. *Signed.* ½ *p.*

ANDREW SYNAN to CAPTAIN THOMAS REYMOND.

1644[-5], January 19. Kilbolane.—The news of your taking some cows has so frightened the poor people that they compel me to write to learn your further intentions, though I am confident your demand was only against Teig Cullin, within your own quarters. 1 *p.*

DON. O'CALLAGHANE to CAPTAIN THOMAS REYMOND at Liscarrol Castle.

1644[-5], January 19. Clonmeene.—Complaining of the carrying off of cows and horses, in spite of the cessation. ¾ *p.*

THE SAME to THE SAME.

1644[-5], January 24.—Thanks him for the restitution of part of the cattle. Believes that, when Lord Muskery returns into the country, he and Lord Inchiquin will have conference, "to set things aright to the content of both parties." Meanwhile, he will not judge of the act, but is sorry for the bloodshedding. 1 *p.*

T. M[AULE] to SIR PHILIP PERCIFELL.

1644[-5], January 30.—I have just returned from Ireland where I saw the chief*(?) man and Sir Robert, and found him extremely well affected to you both. I wonder you do not write

* Word carefully cancelled.

oftener, for there be some there very busy to do you ill offices, though he is not apt to believe them. Sir P. D[avys] and all his, and Mistress Ale's mother [?Mrs. Molyneux], and Sir Robert's sister and her lord, are all in good health. Some week before my coming away, there was a plot discovered for taking Drogheda and handing it over to the Scots, the plotters being "Capt. John Wentworth, Capt. Pamhingbee [? Ponsonby], Capt. Greme, Lieut. Draper and one Lieut. Greme, old Battenie [Worsley Batten], old Tounesley [Anthony Townley, the High Sheriff] and a son of his, Sir Patrick Wyms, Lady Moore,* dowager; all those are in the Castle of Dublin. Capt. Montayne, Capt. Constable and divers others are escaped." On New Year's eve there embarked at Carnarvan, the wind being fair for five or six days together, Lord Brabson, Sir Henry Touchbourne, Sir James Ware and divers others. On the 21st of this month there was no news of them at all in Ireland, and if they are not in the Isle of Man, they are taken or sunk.

Postscript. Lady Blundell should come hither [to Chester ?] at once or her goods will be in some danger.

Addressed: "For Sir Phillipp Percifell, knight, at Mr. Thomas Dawnyes at the signe of the Sarzens head in Charing Streete or att Cissell House in the Strand att Sir Rob. Kings, London." 2 *pp.*

LORD INCHIQUIN to CAPT. THOMAS REYMOND.

[1644-5, February 1 ? Cork.]—Does not think that the cattle should have been restored, as, though taken by mistake, it was through default of the Irish. Will requite the usage of Mr. Barry of Lysgriffin in due time, but must have patience, having agreed to a cessation until the 15th of this month. Has written to Mr. Fisher to remove the Irish from about him, and if he does not, will send orders to Reymond to remove him. A commission is to be drawn up for the command of a company, and when means come, Reymond shall be considered like other officers, but meanwhile he must be content with the title of captain, as others are. *Signed.* 1 *p.*

GARRETT BARRY to THOMAS REYMOND, commander at Liscarrol.

1644[-5], February 1. Lisgriffin.—Having seen a letter of Lord Inchiquin's announcing a continuation of the cessation until the 15th of this instant February, which has been concluded upon by the Governor of Cork in his Lordship's name, Edmond [FitzGerald] of Ballinemartera and Charles Heneshie being the Catholic Commissioners, he wishes to know whether Reymond has received notice of it, and (in regard to his former mis-usages, or at least mistakes), whether he will be pleased to conform himself to it. ½ *p.*

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* *See* Gilbert's '*History of the Confederation*,' Vol. III., p. 19; also *Cal. S. P. Ireland*, 1633-47, p. 412.

DON. O'CALLAGHANE to CAPT. THOMAS REYMOND.

1644[-5], February 1.—Your neighbour, Teige Oge Mc Cullin, tells me that you will not let him live on his land until he restores five cows taken from you. I have notice from Lord Inchiquin that the cessation is prolonged until the 15th inst., and advise you, as my friend, to let your neighbours of our party live on their lands and dispose of their goods during that time, and when we come to account of injuries, you will have your cows restored when we have ours. "I hope we shall soon see peace, which is the hearty prayer of your thankful friend." 1 *p.*

RICHARD STONE to SIR PHILIP PERCIVALL.

1644[-5], February 4. Milford Haven.—Has reached Milford Haven in safety, but there are dangers whichever way they go. "Would for France" if God sends wind and weather, for to Bristol or any part of that coast they may not go. Lady Mayart died about a month before Christmas, and Sir Samuel is much troubled with the gout. ½ *p.*

LORD INCHIQUIN to CAPT. REYMOND.

1644[-5], February 8. Cork.—Ordering him, notwithstanding his just claim to Killballyvorihy, as being within the English quarters, to allow the former tenants to remain there till further orders, "to avoid impediting the public service." *Signed.* ¾ *p.*

DON. O'CALLAGHANE to CAPT. THOMAS REYMOND.

1644[-5], February 9.—I desire to know whether you have orders from Lord Inchiquin "to observe cessation with us till the 15th of this month, as we received commands to observe it with your party, and if you will really stand to it for that time; for if your party be at liberty and we bound, it is no equal bargain for us." 1 *p.*

THE SAME to THE SAME.

1644[-5], February 15.—The cessation being continued between the Lord President [Muskery] and Lord Inchiquin until Thursday next, I desire to know if you will observe it, "without which, our party and yours may be subject to prejudice. We have suffered too much already by our lenity." ½ *p.*

LORD INCHIQUIN to CAPTAIN REYMOND.

1644[-5], February 16. [Cork.]—You and Lieut. Doare are to be at Coolagoora, between Tallagh and Youghal, on Wednesday next, as there is to be a meeting between the Irish Commissioners and ours, to consider several differences, and amongst others "that of your preying the country upon their breach with me." *Signed.* ½ *p.*

LORD INCHIQUIN to CAPTAIN REYMOND.

1644[-5], February 20. Cork.—Ordering him to continue the cessation (without dispute) until he receives notice to the contrary, unless the Irish fall upon them. *Signed.* ½ *p.*

DON. O'CALLAGHANE to CAPT. THOMAS REYMOND.

1644[-5], February 24.—Has received Lord Inchiquin's letter, prolonging the cessation until the last of the month, and desires to know if the garrisons will observe it, that they may be all bound or all at liberty to shift for themselves. ¾ *p.*

Addressed: "For my affectionate friend Mr. Tho. Raymond."

LORD INCHIQUIN to CAPT. THOMAS REYMOND and CAPT. RICHARD DOARE.

1644[-5], February 25. Cork.—Stating that upon Lord Muskery's importunity, he has continued the cessation until the 3rd of March, therefore they are to abstain from all hostile acts, but are to be extremely careful to guard against surprise. *Signed.* ¾ *p.*

LORD INCHIQUIN to CAPT. THOMAS REYMOND at Liscarroll.

1644[-5], March 1. Cork.—Like notice that the cessation is to be prolonged until April 10th.

Signed. ½ *p.*

SIR PERCY SMYTH to his brother [in law], SIR PHILIP PERCIVALL, London.

1644[-5], March 11. Cork.—"After I left London, I went to sea from Portsmouth the Wednesday following, and landed at Kinsale the next Saturday. At our first arrival we were joyfully received, but when once it appeared we came without men, money, &c., there was a present alteration, especially with the common soldiers, and on the other side much joy in the adverse party. This on my credit is truth. I could at large demonstrate our wants to you, but I found at my being in England, some truths written from hence were not well relished, so that you must excuse me for [*sic*] enlarging myself, but this I may and will say, that if Capt. Plunkett had not relieved us, we had disbanded, so that hither unto miracle hath preserved us. It grieves me that I dare not go to more particulars, but let this in brief suffice; we are in a very desperate condition, and I fear Duncannon in as bad; these are the effects of delays. Present my service to yourself and my dearest sister, Jack, Judith, &c."

Postscript. "On Friday last it pleased God to take my dear father out of this world, whose death, as it grieves me exceedingly, so I assure you, is very unpleasant to Bell [his wife]. No news of our ship of arms, &c. It's a sad story." 1 *p.*

CAPT. JOHN HODDER to SIR PHILIP PERSEVALL in London.

1644[-5], March 12. Cork.—I have sent you by Mr. Henry Kingston a brief account of all business up to the end of last July, when the Irish were turned out of Cork. Lord Inchiquin has made Mr. Reymond a captain, "in hope he will stand out a siege better than he did the last time." He and Annagh and Milltowne got two hundred cows from the enemy just upon the time when the cessation was out. They killed about a hundred of the best and restored the rest. I had furnished them well with salt a little before. They are in good strength and well victualled. ¾ *p.*

GEORGE, LORD DIGBY, to LORD INCHIQUIN.

1644[-5], March 20. Oxford.—"My lord, where I have had so high a value of a person as I profess I had of your Lordship when we parted, it is very hard for me to be possessed with a contrary character, and therefore, notwithstanding all that I have heard or seen, I am willing to believe that there is some great mistake concerning you, and that it is impossible for my Lord Inchiquin to be totally revolted from the principles of honour and loyalty which I believed so firm in him, and upon which I had built so great a friendship to him, which I cannot yet have so parted withal as not to have still a great propension to the resuming; in hopes of being made capable whereof by some satisfaction from yourself, I have obtained his Majesty's leave to make this address unto you, to revive in you the memory of your solemn protestations to me in the way of his Majesty's service, and of your particular reliance on me for a constant representer of your merit, and to conjure you yet to restore me to that capacity of redeeming what you may since have been misled into through unfortunate mistakes, by doing him that eminent service which is now in your power in that province of Munster, unto which I engage my honour to you, that, letting me know your mind, you shall not want any invitation, encouragement and reward that a person of reason and honour can aspire to. However, I shall believe you will have so much of the latter as to understand this overture to proceed from unfeigned relics of a high esteem formerly, and from a sincere desire to see you again in that condition wherein I may avow myself your lordship's very affectionate, humble servant." ¾ *p.*

Endorsed by Sir Philip Percivall. "Copy of the letter from the Lord Digby to the Lord Inchiquin; intercepted, and by the order of the House* sent to him."

LORD INCHIQUIN to CAPT. THOS. REYMOND.

1644[-5], March 20. Cork.—The bearer, Mr. Philip Holmes, is to use his best industry to procure me some horses. If he needs any small sums of money, I pray you furnish him for me.

* On July 1. *See* Commons' Journals under that date.

"I am not ignorant that you have occasion to use him in the same nature yourself, and therefore shall desire that when you are reasonably accommodated yourself, you would give him all your best assistance to work for me." *Signed.*

Postscript, in Lord Inchiquin's own hand. "This Gerrald Oge McEnyrie has engaged himself by oath to give Philip Holmes intelligence as well of any design that should be against that castle [of Liscarrol], as against us in general, and therefore I would have you have a care to stand his friend when you are out with others." 1 *p.*

LORD INCHIQUIN to CAPT. THOMAS REYMOND.

1645, March 31. Cork.—Has had notice that, notwithstanding their fair pretences of keeping the cessation inviolable until the 10th of April, the Irish mean to seize some places in Easter week, which he intends to use all diligence to prevent. Requests Reymond to send a man to Moyallo for orders, and to be carefully upon his guard. *Signed.* 1 *p.*

THE SAME to THE SAME.

1645, March 31. Cork.—Has received the enclosed from Mr. McDonnogh, complaining of the wrongful taking away of a nag from the lands of Killballyvoryne. Unless there is very good cause to the contrary, the nag must be restored. *Signed.* ½ *p.*

The enclosure:—

DONOGH MCCARTHY to MORROGH, LORD BARON OF INSHIQUINE.

1645, *March* 29. *Kenturck.—Complaining of the disturbances and depredations of Reymond and the garrison of Liscarrol, who have taken a nag and divers ploughshares, &c., from the people of Killballyroryne, and requiring satisfaction and forbearance of all causes of complaint in the future.* ½ *p.*

SIR PHILIP PERCIVALLE to DAN [HUTCHINSON].

[1644-5, March ?]—Acknowledges letter dated February 12. Money matters.

"Fortune hath proved very averse to me, that since I saw you I could not, to this season, receive a groat of my own towards my charge or relief . . . I am disfurnished, and not only become burdensome to my host, but otherwise extremely prejudiced, and indeed prevented of my intentions, which troubles me more than all the rest." As for R. H[eald] his performances are not answerable to his promises [*here follow details of proceedings concerning monies*] and Edward Grice has done as badly, paying money contrary to my orders, and leaving me in the lurch.

"In the meantime, I am in a fine case after all this expectation, am I not? I am beholding to my landlord, who hath dealt with me like a friend and a gentleman for so much as concerns him, but you know there are other occasions which require money, and I would not deal ungratefully with him or any other; I had rather suffer anything . . . . The times are very bad, and if I mistake not, most likely to prove so much worse as erewhile there was hopes of better. God of his mercy look upon it and mend it." *Draft.* 2 *pp.*

DON. O'CALLAGHANE to CAPT. THOS. RAYMOND.

1645, April 12. Clonmeene.—I understand from Lord Inchiquin that the cessation is prolonged, and although I have had no notice of it from our own party, "yet such was and is my desire of peace and quiet with my neighbours that I gave order to my own people to sit quiet till I give order to the contrary. I am loath to begin hostility with my neighbours if not forced unto it, after the fair quarter and correspondency held between us since the beginning of the cessation. If you will acknowledge and serve our sovereign lord the King against his enemies as I found you were resolved to do, and obey the Lord Lieutenant's commands, I see no reason you should be held an enemy to our party, who serve his Majesty and will live and die in his quarrel." ¾ *p.*

SIR PHILIP PERCIVALLE to EDWARD WEARDON.

[1645], April 13.—In spite of what you said in your letters, I have not received a penny from you, but, on the contrary, have had to borrow money for my own occasions, for clearing the goods trusted to Edward Grice and sending Thomas [Freeman] after him when I thought him lost, and also for trying to clear the goods trusted to Richard Stone, wherein his knavery or foolery (I know not which) has left us in the lurch. [*Details of money matters.*] Commend me to Val. (whose care I am thankful for), and to all my friends, "and let them know money's the thing I want. And so God bless us and send us a good meeting." *Copy.* 1 *p.*

EDWARD GOODFELLOW to SIR PHILIP PERCIVALL.

1645, April 14. Portsmouth.—By order of the Lord Admiral, has sold the herrings, they being a perishing commodity and the time of year for them past. He sent to [South]Hampton and all the parts about to give notice to the merchants, and sold them by the candle, according to the custom for prize goods. Only 195 barrels were sold, to one Mr. Bulkeley of Hampton, at 14*s.* per barrel. Will keep the money safe for the proprietor, but there will be some charges. ¾ *p.*

The late Joseph Mulis.

1645, April 23.—Authority from Philip Mulis, gentleman (son and heir of Joseph Mulis, late of Ballykiltagh, co. Wexford, gentleman, deceased) and Sir Philip Percivalle (trustee for Norris Mulis, the "late wife," and the children of the said Joseph Mulis) constituting Sir William Usher and Sir Paul Davys their attornies for the letting or demising the dwelling house of the late Joseph Mulis in Ship Street, Dublin, and his lands of Ballikiltagh, or part or either of them, for a term of years, for the raising of 100*l.* towards the maintenance, breeding and education of Philip Mulis' five younger brothers and sisters. *Draft.* 1 *p.*

Richard Stone to Sir Philip Percivall in London or elsewhere.

1645, April 24. Bristol.—Since I wrote to you I have had much trouble and loss, "for being beyond the Land's End, bound for France, we were taken by a Dartmouth man of war and carried in thither; and all the ground he had for it was for that we had a cocquet besides our right cocquet for Garnsey (it was to prevent Dunkirkers) which they alleged was for the Parliament, but I found so much favour from Sir Hugh Pollard that I had liberty to send two hundred barrels of herrings for St. Mallos and to dispose of the rest there." We had to stand the trial of the Admiralty Court whether we were prize or not, and were there cleared by them, but with heavy charges and great losses, and I have been constrained to take a freight for Bristol, where I now am, not knowing what to do, "for those that were our friends and whose pass we had, will now be our enemies, unless I could get the Earl of Warwick's pass, or rather a pass from the Parliament, to go quietly through the sea from hence either for France or Dublin or any free port, but there is many freebooters that the Earl of Warwick's pass will not clear one from, that must be from the Parliament." I hear that Mr. Partington is trying to get one for several Dublin men, and pray you to learn what he has done in it. If I could get to Dublin I would bring all mine thence, for I fear it is in a hard condition. 1 *p.*

Sir Percy Smyth to his brother, Sir Philip Percivall.

1645, April 26. Youghall.—"I writ to you by Mr. Knyfton, and what then I made some doubt of I presume you now find to be too true, I mean the loss of Duncannon, which truly hath so encouraged the rogues that now they are drawn together to the number of six thousand or better, with a very vast train of artillery, and intend to sit before this town, which before now they had done, but that our men from Cork made an inroad into Barrymore and part of Imokilly, ours of this garrison meeting them at Kileigh, and have burnt and spoiled all betwixt Cork and this; killed in Carrigtohill (for Barris court they lately took from us by treachery) and Cor-Aby [Chore Abbey], &c., about

three hundred, of which two or three great commanders, and although I cannot rank James Fitzgerrald of Mocollop (and by them thought Earl of Desmond) a commander, yet he and Mistress Graney, his wife, we took in the lodge of my Lord of Cork's park, who now remain prisoners here."

The main body of the enemy is now at Cappa (what think you of Sir R. Osb[orne], and Cappaquin, which they lately took through the treachery or ignorance of one of our ensigns, who is to be shot to death for it to-morrow.

The loss of Cappaquin, as to the province of Munster, is no way short of Duncannon, but before they advanced we cut a great part of the bridge down, which may cause General Castlehaven and his horse to take another way to come into these parts. Our ruin seems unavoidable (without God's immediate aid) for we have no markets at all, nor a month's provision in any garrison, even including what was brought by Sir A[rthur] Loftus and Mr. Dobbins, and our soldiers are beyond measure in want, "for we have not a rag of money left." Methinks the great ones for whom we fight might either send us some present supply, or else in charity some shipping to take us off with our wives and children. I have written to Major Bettesworth, Sir Thos. Wharton, Will. Parsons and others, but have not heard from any of them. "Not a word of the Scots. . . The Irish swear they have fire to quench in Scotland. God amend all." 2 *pp.*

T. M[AULE] to SIR PHILIP PERCIFELL.

1645, April 28. Neston.—I left Chester on the 16th and have got as far as Neston on my way to Ireland. Our goods came down in boats, but have been here seized by a warrant from your friend and mine, Chedley Coote, and, notwithstanding our warrants from my Lord of Warwick and Sir William Brereton, have been locked up in a barn and the key sent to Hooton. The reason is that information came that we were bringing some malignants' goods from Chester, which I protest to God we did not. There were Lady Blundle's goods, and Mrs. Dixson, Will Dixson's wife, and some things for her and her children, and she is willing to shew all that she hath in her trunks. I pray you to join with Sir Robert and Sir John Clottworthy to help both her and me. Sir Robert Dixson had carried all his best things to Abber Conway before I came out of Ireland, and he is there now. These inconveniences befall me for my courtesies to my friends, for if I had not had Mrs. Dixson's and Lady Blundle's goods with me, nothing would have been said to mine. If I did not fear the soldiers harming them, I should have been my own messenger, but I send my wife and beg you to give her the best advice and assistance you can, and also some money, charging it upon the account between us. I am confident Mr. Loftus will help her with a little, for though I could get nothing from his brother in Ireland but oaths and protestations, he made no doubt but that his brother would give me satisfaction. I pray you let me

hear from you as soon as you may, for I have been without news for six or seven weeks, by reason of the close siege of Chester. Direct my letters to Lieut. Col. Jones, and thank him on my behalf, for I am much beholding to him. Do me the favour to deliver the enclosed note to your brother Fitzgerrald, and ask him to send me the bond of Sir George Hume to my wife.

Addressed: "For Sir Phillip Percifell, knt. For Mrs. Maule to deliver with her own hand." 2½ *pp.*

James Fitz Nicholas Barry.

1645, April 28. London.—Statement by Richard Boles that at the beginning of the rebellion, in 1641, James Fitz Nicholas Barry came from Dublin (having broken prison there, as was said) and took possession of the Castle of Anna [Annagh], saying that Sir Philip Percivall was gone into England and would never return, for God had showed (*sic*) a just plague upon him and such as he, and in his good time had put him [Barry] in possession of his own again. He took all the cattle belonging to Boles, who was forced to go into the Castle of Liscarrol, and fell into great want. When the Irish army had taken Mallow, Fitz Nicholas went to the Constable of the Castle of Welshtowne, Anthony Wiseman, and persuaded him to go with his men to Anna for safety, where they were kept prisoners, while Fitz Nicholas took possession of Welshtowne and put in a garrison of Irish rebels. He killed nearly a thousand sheep of Sir Philip Percivall's besides other sheep and cattle, and, when the English army approached Welshtowne, he fired the Castle and retreated into Anna. He and his men helped the Irish at the taking of Liscarrol, "still saying they were for the King, and that the Parliament was but a puff of wind."

Cnogher Reogh O'Callaghan, Sir William Poore of Kilbollane and David Poore his grandson, and Ed. McThomas Cam of Clenlish, likewise did much mischief against Liscarrol, and were in the fight in September, 1642. *Signed.* 2 *pp.*

Lord Inchiquin to Captain Thomas Reymond at Liscarroll.

1645, May 4. [Carrig] towhill.—Has received a letter from Mr. Maurice Fitzgerald, intimating that he and some others were invited to Liscarroll, and there made prisoners. Asks for a full relation of the business, so that, if there be not good cause to detain them, he may give order for their discharge, but if Reymond can justify the seizure, he is to send the persons to Moyallo with a full account of the matter. *Signed.* 1 *p.*

The Same to the Same.

1645, May 12. Cork.—"I have received yours, by which I find that those of your ward and of Milltowne have forborne to do any service upon the enemy in expectation of receiving further order from me. I did not suppose I should have found you varying a second time from my directions, and do assure you

that if you shall give me a third cause to take exceptions thereunto, I shall prevent you of doing it the fourth." When you were here I gave you express orders that so soon as the cessation was ended, you were to do the enemy as much prejudice as you could, and at any rate to go daily abroad to give alarums to the country, which I now require you and Capt. Doare diligently to do. "We are, by the blessing of God and the arrival of some supplies forth of England (whereof you may be sure to participate) put into a very good condition for the present, and do expect as the time wastes our provisions that fresh supplies will be constantly sent us this summer. We have beaten the enemy out of Barrymore and Imokilly, and not left a man on this side the Blackwater that dares show his head. We are now drawing forth to besiege Barryes Court, which we are confident will be speedily either surrendered or inforced. The enemy, lying with a good strength on the further side of the Blackwater, dares not advance, we having six hundred horse, two hundred dragoons and a party of foot who wait upon and face the enemy, so as he stirs not a foot but they are ready to have a bout with him, and if the ground where he lieth were fit for horse service, we would seek him out where he lies, and desire nothing more than to meet him on equal ground. You may expect shortly to have the passage opened that way; in the meantime you must be industrious to give the enemy as frequent alarums as you may." *Signed.* 2 *pp.*

CAPTAIN JOHN HODDER to SIR PHILIP PERSEVALL.

1645, May 14. Cork.—I find from your letter of March 28th that you have received the brief account I sent you by Mr. Knifton, and by your advice I am making the like for Lord Inchiquin to put his hand to. Two of your kinswomen, Mr. Mules' daughters, have been with me here, sent to me from Dublin by Sir William Usher, with directions to see them safely convoyed to you, in which I have done my best endeavour. "The Irish are going up and down the country, taking of towns and castles. They are now abroad with four thousand horse and foot, with four battering pieces and two field pieces; they have already taken Caperquin, Michellstowne and Ballahooly* with divers other castles, and at this time, as we hear, they are come against Malloe. My Lord is providing to go out against them with those small forces which he hath here, which is about fifteen or sixteen hundred horse and foot. I pray God to give a blessing to his designs. This last week our party of horse went forth to Castle Lyons to view their strength, and met their horse, and beat them back into Formoye Wood, to the body of foot, and killed and took prisoners many of their chief commanders, with the loss of not above five or six of our party. God did show His great mercy to us at that time. Except we have some sudden supplies we are like to lose all Munster, for they are gathering together a great strength with resolution to run over all."

* But *see* p. 257.

Captain Reymond with the rest of your garrisons are well provided, and have gotten a gun into Liscarroll Castle, and yet for all that, I fear they will gain them, for there is few castles doth withstand them. 1¾ *pp.*

BARTH. ALLERTON to SIR PHILIP PERCIVALL.

1645, May 14. Bamfield in Suffolk.—Thanking him for his many favours. Is, thanks be to God, now settled in peace, but how long it will continue he knows not, as "a counsel" has now arrived in London against him. Prays Sir Philip to go or send to Mr. Felps (the clerk of the committee where his business lieth), at the widow White's house in the White Friars, and try to discover what is intended against him. In the mean-time, the first payments of this year's profits shall be sent to Sir Philip, whose "new kindness calleth for speedy payment of an old debt." His present living will be no inheritance, and he desires, if possible, to be commended to some honest patron.

Postscript. "*Te mea supposita veluti trabe, fulta ruina est.*"

LIEUT.-COLONEL JAMES BARRY, Governor of Mallowe Castle.

1645, May 21. Mallowe Castle.—Warrant to "his Majesty's Catholic commanders, officers and soldiers," to permit Captain Thomas Remon, late of Liscarroll, and now kept at Mallowe "for the assurance of the safety of the convoy that convoyed the rest of his men and goods to Cork" to pass with a trumpeter to Cork, by virtue of the Lord General's authority. *Signed.* ½ *p.*

THOMAS FREEMAN to SIR PHILIP PERCIVALLE.

1645, May 27.—I am safe in Leaverpoole, thank God, after much ado, for I was ten days coming up and much frighted by the King's forces, which we were told were within ten or twelve miles of us, so that we were fain to go twenty miles out of our way for fear of them. The carriers have not yet reached Warrington, but I met with a trooper who had been my father's servant and he procured me a horse, and so I reached the end of my journey. It was lucky I met with him or they would hardly have let me in here because of the sickness in Manchester, of which there is great noise in the country, and I having passed within three miles of the place. You have often told me to come with carriers to Perry and this place, but though it is easy to talk of going to this place and the other, he that means to go to either will find much trouble by the way, for within twenty miles of Derby we could not go without a strong convoy which had come from Leicester. I intend, please God, shortly to embark for Dublin, and as for Stone, I believe he is still in Perry. I pray you, direct your letters to Watrigate Street, either to John Wellding, near the sign of the Angel, or to Mr. Bayley Jones, pewterer, and tell me what you have recovered.

Addressed : "For my very loving friend Sir Phillip Percivalle, knt. in Cheapeside, at the sign of the *Wooden Bell* before a goldsmith's shop."

Endorsed by Percivall : "Thomas Freeman; answered 28th June. No more to be got. 11*l.* disbursed by me about his suit and 10*l.* about that of Edward Grice." 1¾ *pp.*

CAPTAIN JOHN HODDER to his cousin, ANTHONY BATEMAN, in London.

1645, June 7. [Cork.]—Wrote formerly to Mr. Green about his bills of exchange, wishing to come in as an undertaker for a castle and some lands, of which he has had a custodiam all through the wars, but now their enemies have taken it, and four or five others lying near. Their strength is such that unless speedy supplies come out of England, it will go very hard with the English. Being now quite "out of heart for ever getting up again amongst these heathen" he has little desire to meddle with lands in Ireland, and would rather have two or three hundred pounds in ready money. 1 *p.*

[RICHARD FITZGERALD] to his brother [SIR PHILIP PERCIVALL].

1645, June 7.—I thank you for returning me Mr. Osbaldiston's letter and beg you to thank Cousin Smith for his care in my business. I fear this summer's war will disturb the University, and hinder those elected from going there. "God's will be done. Here is only much talk of Leicester being lost; no cruelty hath been used, as was said; it's thought the King is gone to Derby. Col. Jephson hath gotten a committee appointed to consider of the way to raise men for Munster; in the meantime let the rascal enemy be commanded to forbear acts of hostility, otherwise he may do much mischief before any supplies come hither. The matter and the men standing thus committed, I conceive it better for you to be absent than present, for the business concerning you will be laid aside at this time. W. V. [Sir Wm. Usher ?] was the man who told Bor[lase?] of the articles; *quod volumus credimus.* Perp[oint] is somewhat talked of concerning Leicester, as if he had some notice of the business three months since and made no words of it. A. H[esilrige?] and Earl of Kent likewise." 1 *p.*

CAPT. JOHN HODDER to SIR PHILIP PERCIVALL.

1645, June 7. Cork.—"I give you notice with grief of part (*sic*) of those castles we have lately lost. Mallowe was first that gave up on quarter; then Liscarroll yielded also; Aynagh stood very valiantly and lost most of their men, and till the castle was much shaken would not give over; then Lieutenant Fisher commanding, with two or three went out to the Governor, but could have no quarter, but was quartered with the rest. Then Milltowne yielded also upon quarter, without shot. Captain Bettesworth was cleared but Captain Reymond is condemned, but I hope my

lord will have mercy on him. Lieut. Dore is not come to trial. All the castles beyond the Blackwater are taken only Ballahooly. They vapour much and swear they will have our port garrisons ere long, and if we have not some speedy aid we are in much danger." 1 *p.*

SIR PERCY SMYTH to his brother-in-law, SIR PHILIP PERCIVALL

1645, June 8. Youghall.—"For matter of news I shall say little; my Lord of Broghill will store you with such as our desperate condition affords. He now comes to take his farewell of England; I mean, with a resolution never to implore more aid if not now cheerfully relieved. I need not desire your furtherance in a work so nearly concerning yourself, therefore now bestir your stumps, or else for ever hereafter hold your peace.

"All our castles and holds beyond the Blackwater, Balley-houley excepted, are gone, most burnt to the ground, in particular Michelstowne and Dunraile. Mallo and Liscarroll yielded without shot or stroke and so did Miltowne, but for Annah, no place in Ireland ever better defended, in which service the rogues lost at least three hundred of their best men and at last got it by treachery; the particulars my Lord can tell you.

"As yet not any news of the Scots, which we admire, especially the two thousand men not coming to us. There's a riddle in it surely, but I am certain it makes our rascals beyond measure bold, and swarm in all these parts like bees.

"Report says Sir R. Osborn is adhered to them, and for his fidelity his son Nick is to raise a company under them. How like you this?

"Your sister is very desirous to go to suck, and to take her journey by shipping. I endeavour to wean her from the breast if I can till times mend, which yet I expect not. . . "[o]

Postscript. "My service to Major Bettesworth. Tell him I have seen a thousand of his letters, and not in any of them a word to me but in one to my Lord Broghill. I have writ three to him." 1 *p.*

LATE GARRISON OF LISCARROL to the LORD PRESIDENT OF MUNSTER, Commander in Chief of his Majesty's Protestant forces there.

1645, June 9.—Praying him to grant Capt. Thos. Reymond his life and liberty, and to continue him in his command over them, they "being now called to receive arms and like sheep without a personal shepherd;" and also to give liberty to Serjeant Elyas Leale, now lying in great misery in the Marshall's hands.

Signed by Henry Bettesworth, ensign, John Jones, serjeant, two corporals, a drummer, and twenty one soldiers.

Underwritten,

Note, signed by Lord Inchiquin, that "officers shall be appointed over them worthy to command, which those they now sue for are found not to be." 1 *p.*

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[o] He probably means that she wishes to go to see her mother.

Capt. Thomas Reymond.

1645, June 19. Cork.—Pass, signed by Lord Inchiquin, for Captain Thomas Reymond to go into England, with his wife, family and goods. ½ *p.*

Captain John Hodder to Sir Philip Persevall in London.

1645, July 21. Cork.—"This bearer, Captain Reymond, is able by woeful experience, to certify you of the loss of Liscarroll, Mallowe, with all the castles we had in Munster except Barriscourt and Belvelle, which as yet we do enjoy. With much grief I must certify you that it is to be feared we shall lose all our garrison towns in Munster if we have not speedy course taken for our relief, with men, money and provisions. We have had nothing in our stores this month. Our soldiers have ever since lived upon 18*d.* per week, which have been paid by the poor inhabitants, which are not able to continue the payments, by reason of the great losses and charges that they have long been at. The enemy, Castlehaven commander, lieth now against Youghall; he had planted on the west side, but could do no good there, so now hath carried his guns, being four good battering pieces, and planted them by the river side, near to Pilltown, and hath already done much harm by battering the wall and houses, and have killed Lieut. Col. Lofftes [Loftus] and Lieut. Col. Badnidge, with other soldiers, and very proudly boasteth that they will not give over till they have it, and will put them all to the sword, men, women and children. Cork is so full of women and children from thence that we can scarce contain them, and our markets are very poor and small. I doubt not but you have heard of our loss of Col. Bryan, Lieut-Col. Courtnye, with four other captains, with others, which were taken prisoners in Rostillion Castle. After we had taken it, they staying to clear and raze it, were afterwards surprised and carried prisoners to Kilkenny, where they remain in a miserable condition." God grant we may soon be relieved, or shipping sent to fetch us off. 1½ *pp.*

Endorsed by Sir Philip: "21 July. . . rec. by Capt. Reymond, 2 Aug."

Edm. Smyth to Sir Philip Percivall.

1645, July 28. Annables.—"I received your letter and am sorry to hear of the sad condition of the Protestants of Munster. and the rather because I see no hopes or ways how they should be relieved, and for Sir Thomas Fairefax, how he should relieve them I do not apprehend, in regard I saw a letter in print of one of his officers, wherein he complains they are disabled to proceed effectually in regard they want for completing their army to the number it was established at, fifteen hundred horse and six thousand foot. I pray God direct those that should timely provide for these things." I beg you to have the enclosed sent,

according to the superscription, to the sister of Bess Curwen, who, before she died, left some money in my wife's keeping which her sister now demands with threatening language. She offers bonds to secure me, but if she is qualified as executrix her discharge should be sufficient against Bess's husband and brothers. As to a certain party [? Broghill] taking anything upon him till his account be discharged, I am of the same mind, but the question is whether he did not make himself as obnoxious to the other side by soliciting supplies for Lord Inchiquin as if he had been in arms with him.

Endorsed by Percivall: "Cos. Smyth. B. as obnoxious by sol. as by arms." 1 *p.*

SIR PHILIP PERCIVALLE to CAPTAIN JOHN HODDER.

1645, August 15.—Concerning his accounts as Commissary at Cork. Thanks him for his love, and trusts that God will enable them all to bear their heavy sufferings (which could not have been but for their sins having kindled His indignation against them) and in His good time restore them. [Is sorry to find how Reymond has carried himself and believes (with submission) that the very best way had been, when there was no way but blows, not to have trusted any such, but to have called them in, by reason of the experience had some years ago of the like, when once the stronger party came." *This sentence is cancelled.*] *Draft.* 1¼ *pp.*

LORD BROGHILL to CAPTAIN MOULTON.

1645, August 15. London.—Requesting, as a favour to himself and to Sir Philip Percivalle, an honest man and a great friend of his own, that Capt. Moulton will further the sending of a hair trunk from Anglesey to Milford or those parts where Sir Philip resides. *Signed.* 1 *p.*

SIR PERCY SMYTH to his brother, [SIR PHILIP PERCIVALL].

1645, August 19. Youghall.—"Whether I wrote to you by my Lord of Broghill or not I cannot tell; if I did not, pardon me, for I was then at the leaguer of Ballymartie, which at five days' end we took on quarter, but were forced to burn it within one hour after, Castlehaven with his forces came so fast on. My Lord President with the Cork forces had much ado to get to Barriscourt, and those of this town under my command hardly got within a mile of the town before seven troops and eighteen colours was in the rear of us, we being not above five hundred in all, yet I thank God we came safe home the 14th June.

"From this time forward, Castlehaven fell to taking of Castellions, Lismore and all those castles on the Blackwater and Bide, which famous service he ended the 28th June. The 29th June he showed himself before this town with all his

rebellious rout, to the number of at least eight thousand of all sorts. Some three days after he came within half musket shot of our walls, from whence we made four or five smart sallies, and forced him to settle himself further off, having then killed him at least three hundred men without the loss of one to us. Some ten days after, he settled himself near the harbour's mouth (where they had formerly raised two batteries on the east side), and the first day, out of one shot from the ferry point, sunk the *Duncannon* frigate in the morning, and the same evening with another shot into the foot of the quay, killed Walt. Loftus, Tom. Budnedge and a common soldier, the bearer will tell you how nearly I escaped; and raised a battery which did much annoy us in the South Abbey, which we resolved not to endure, but on the 5th this instant we made a sally before day on them, in which we killed by their own confession two captains, three lieutenants, two ensigns and about three hundred Ulster men.

"We dismounted their culverin and threw it down the rocks and made it useless to them, and took one brass piece of about four or five hundred-weight. You must know we had not strength nor time to bring the culverin away. This sally hath now put them to Ballenatra, where they now lie and hope to starve us, the harbour being by them taken from us, only by night boats come in to us in the dark. And truly I fear starving and not their forces, for I assure you here are in this town at least five thousand souls, of which not above twelve hundred soldiers at most, and I may safely say no man can assure himself of twelve days' provisions. But I hope God in His due time will send relief, if not you may imagine what will follow. However, seeing it's my fortune to have the charge of the place, I will, with God's leave, defend it to the utmost.

"It were too tedious to tell you how many invitations I have had from Castlehaven to yield the town to him, to which purpose he sent me the copy of his commission from the Supreme Council, with many other passages, whose letters &c. I keep very safe; but this bearer, Capt. Phillips (who commanded the *Mayflower* and hath been very zealous and active here, and ready to supply us at all times) can give you many particulars. . . . Your sister and all her fry are at Cork, and so are all our ladies and Sir Wm. Fenton." We are put to hard shifts, all my country estate being gone, and never having seen much of my pay.

Postscript. "Although the rogues are now at Ballenetra, yet they can be here when they please and doubtless will if they see cause. So that, if it be known they are at that distance, it may retard supplies, which I need not bid you hasten. 4 *pp.*

Endorsed as "rec. 22 Sept. by Capt. Philips."

LORD BROGHILL.

1645, August 20.—Letter of Attorney, empowering Sir Philip Percivall to receive any moneys or goods due to himself or to Lord Inchiquin for their entertainment, and to prosecute their petitions concerning the same. *Signed.* ¼ *p.*

[Sir William Usher] to [Sir Philip Percivall ?]

1645, August 31.—I am glad to hear that Ned has safely come to you. [Here follow details about money matters.] "All your friends here are well, but in great heaviness for that sad loss which lately hath happened to them, the death of the Lady Be[verley] Newcomen, whom all here extremely lament, but especially Jud[ith], who now hath none of her old companions left with her. I writ by Ned that you would send me a whole piece of black serge. If you have not sent it I pray forbear and only send me seven and a half yards of it for my mother, and five yards for All[ice ?]. If there be any other stuff there which my sister conceives may be more fashionable, yet lasting, cheap and fit for an everyday winter gown, send as much of it as will make my wife a gown; if not, send five and a quarter yards of the same. If you conceive that my wife's gown may be conveniently made there without too much charge for so slight a garment, I pray let it be done by her tailor Gorst, who hath her measure; he lives near Strand bridge. She is nothing altered since he saw her, only she now begins to swell a little in the waist. I formerly desired that Bowes would send me a plain cloth suit; pray let him send me with it a black stuff suit of French serge, or some such lasting stuff. Let the cloak be unlined, I have plush here to line it with. I cannot stay to say more, but refer you to the bearer, only commend me to all, and comfort the old women, who will be I fear too passionate for this sad accident . . . Send four pairs worsted stockings, two of them grass green, two taffeta, and two love hoods, some bone combs, &c."

Postscript. Since writing this, Lady Blundell and her company have landed, from whom I have received your letter, and at the same time two more of yours, by the Lady Legh and Sir Francis Ha[milton ?]. September 9th. 2 *pp.*

Endorsed by Percivall: "9 Sept. '45. W. V. by Capt. Winter to Ned. rec. 2 Dec."

Capt. John Hodder to [Sir Philip Percivall].

1645, September 22.—All your estate in Munster is in the enemy's hand. All the stone houses and castles are yet standing, and I shall endeavour to the best of my power to keep them preserved. The enemy lie at Castle Lyons, and keep us close within our garrisons. "My Lord of Inchiquin has been very sick, but, thanks be to God, begins to amend. If we could see Col. Jephson here with his horse, we hope we might look them in the face." Colonel Ridgway was killed a fortnight before your letter arrived.

Endorsed by Sir Philip: "rec. 13 November." 1 *p.*

Sir Henry Tichborne.

1645, October 10.—Certificate by Sir Hen. Tichborne [lately Lord Justice] concerning Sir Philip Percivall's action as Commissary General in selling some rye provided for the army in

Dublin: that the said Sir Philip applied to the Council Board for money to pay for the rye, which could not be given, wherefore it was judged expedient to sell a fourth part to the bakers of the city in order to secure the rest. Certifies also that the rye having got heated at sea, it was necessary to buy corn to mix with it; that to prevent discontents in the army it was thought necessary by the State that the price of the bread issued to the army should not be raised (being rated at fourteen pence for the eleven pound loaf), though for eight or nine months before the cessation, corn had cost much more; and lastly, that Sir Philip's care, pains and charges in providing for the army were very great, "without which, as was generally conceived by the State and most others, the army had much sooner fallen into want and discontents, if not totally to disbanding." *Signed.* ¾ *p.*

Sir Philip Percivalle to Sir Percy Smyth.

1645, October 14.—I received yours of August 19th by accident on the 22nd of last month, but have not yet heard of Captain Philips. "We were much joyed to hear of your good health . . . and also of your happy success against those barbarous rebels, which is here taken notice of, and we hope there will be provision made answerable to the occasions there, but indeed it comes in so slowly that we have just cause to fear God's anger for our sins, and this plague as the effect thereof, will yet remain upon us, albeit there is great cause to believe by the great successes here that some course will be taken to enable the prosecution of the war in a better fashion. God grant us His grace to make right use of our afflictions, and direct them timely to set upon that great work. . . . For what is doing here I must refer you to the agent's letters to the Lord of Broghill. . . All your friends at Bridgefoot were well a month ago, save the widow of Sir Beverley Newcomen. God send us better times." *Copy.* 1 *p.*

Sir Philip Percivalle to Colonel William Jephson.

1645, October 23. [London].—Mr. Davies has agreed to advance 1,000*l.* within five days of your coming to town, and 250*l.* more and 1,200*l.* in Spanish money, five days later, and to deliver 1,500*l.* in commodities upon the warrant for 4,000*l.*, whether the ordinance for securing his money upon the excise proceeds or no, "so as you instantly repair hither and give your assistance in that too, whereof he hath good hopes to prevail." He will also send corn and oats upon the new warrants.

"This is conceived to be a ready way for sending the horse already raised, and will be very welcome news to them that hath hitherto expected them, and will also satisfy others who (not knowing the wants which hath occasioned their stay) take more notice of it than otherwise perhaps they would." He will also labour with others to take course for satisfying the remaining warrants as soon as may be. "In this debate and agreement,

Sir John Clotworthy and Colonel Hill did express a great deal of desire to comply with your occasions, and persuaded Mr. Davies all they could, promising him all the assistance they could give, so as nothing hinders the business but your absence, and therefore your friends do earnestly desire your speedy coming up, as well to perfect this as to acquaint the House with the proceedings of the Common Council, whereof an answer is expected to-morrow (without money), and to get the petitions and other things reported. *Copy.* 1½ *pp.*

SIR PHILIP PERCIVALLE to his cousin, [NICHOLAS] LOFTUS.

1645, October 27.—"A week since I sent you the printed papers of the proceedings of the Scotch commissioners since May last, which is sithence corrected and somewhat enlarged and reprinted. I would also have sent you the votes of both Houses about those affairs but that it is expected that there will be published a declaration at large concerning the same. . . . I thought good to tell you that Sir Jo. T[emple], being asked by a friend why he went not into the employment northward*, he gave for reason, that there was one to be employed (who indeed was then named for it, as you may remember) therein at that time, who was one that used to take half-crowns, a mean fellow, with whom he would not be joined; and named him that undertook to do a good office between Sir Ja[mes Ware?] and Mr. Wetherall, in conveying to him what will be due at Candlemas next. . . . . This I would not mention but that I am obliged in gratitude to him to do it, or ought else I may for him. When I shall tell you the party, you will believe it." *Draft.* ¾ *p.*

[SIR PHILIP PERCIVALLE] to [SIR ROBERT KING].

[1645,] November 20. London.—I am confident that you have what passes here from better hands, so I only send you one of those pamphlets which are most to be credited. [*Margin*† "There is speech of a Lord Deputy shortly to be moved."] Mr. [Worsley] Batten and the rest who came from Dublin at the end of last month report that a peace was conceived to be near concluding, but I suppose you will know what has happened since from Sir Patrick Wems.

"A miserable and unsafe place it is like to be for the poor Protestants, whether there be peace or no, for aught I can hear, except the Lord in much mercy look upon them. God grant them and us patience to bear what He lays upon us and sanctify all our afflictions to us. From Munster we heard lately that a fresh supply of Preston's forces came to the siege of Youghall, and that Castlehaven and most of his forces lie about Fermoy and Castle Lions, to straighten the rest of the garrisons,

* This appears to refer to the Commissioners sent by the Committee of both Kingdoms to Ulster. These were Sir Robert King, Arthur Annesley and Col. Beale.
† In Sir Philip's own hand.

and that Youghall was in great distress for want of victuals, clothes and fuel, but was (with difficulty) relieved by Captains Crowther, Plunkett and Whitty. [*Margin** "It is written that a legate from the Pope [Rinuccini] landed in October with 100,000 Spanish pistolets, and arms for eight thousand horse and foot."] . . .

For my own particular, I must needs say that he [*Margin*† "Sir John Temple"] that persuaded you the last winter that he was more a Christian than underhand to traduce an innocent man, proceeded nevertheless very unworthily, and though he could not make good his undertaking, I cannot yet find how to be heard or understood, nor shall (I doubt) until my evidences and witnesses are dispersed, dead or gone, as indeed many of them are already, . . . wherein I cheerfully submit to God's good pleasure, to whom it is well known that the malice I contracted was for the service of the Parliament in the matter of the mills [of Kilmainham]." I pray you to present my service to the Lord President of Connaught, Mr. Anneslie, Col. Bealle and our other friends.

Endorsed: "To R. K." 1½ *pp.*

Edmund Percivall to Sir Philip Percivall.

1645, December 2. Ringwood.—"I must crave pardon for my long silence. This gasping, bleeding age hath afforded so little comfort to friends either to write or visit, that I have almost forgotten either." Mr. Dampire of Uphill will give you an account of how matters go at Burton. "He is of all men that I can hear of that lives in the country most happiest for outward things, for he in this exorbitant age grows rich, and all men else I am sure grows poor enough. . . . . I pray to God earnestly that he will strengthen and uphold us in these times of affliction and trial, and that you and I and all God's servants may kiss the rod with patience, that we may have comfort in heaven, for I fear on earth we shall have but little." *Seal of arms.* 1 *p.*

Sir Hardress Waller to Sir Philip Percivalle.

1645, December 4. Culhampton.—I must first tell you of Sir William Fenton's coming over, "who surprised me like one of Job's messengers, setting forth that all was lost if there could not be money and provisions got without sending to London, which the haste would not admit, and this desperate disease drove me to try the affections of some of the prime movers of this army, wherein God's spirit wrought so powerfully with them that beyond their power they extended themselves for our instant relief, despatching him presently away with 1,000*l.* in money, fifty tons of victuals from Lyme and as much from Bristol, and a very worthy person, a commissioner of Parliament, sent into Wales to send such provisions from thence as they proffered our

* In Sir Philip's own hand. † In the first Lord Egmont's hand.

General for the supply of this army, which we shall not yet proclaim at London, for fear of stopping supplies from thence, which do not use to be overhasty. Our General hath been most noble herein, and what Lieut.-General Crumwell did is never to be forgotten." As regards my going into Parliament, I did not see how to overcome two difficulties, the danger of losing my employment, and the procuring of a place. I afterwards found that it might have been managed, but meanwhile, the opportunity is lost, and I do not know how to lay hands on another. I find great inclinations in some eminent men of this army to the business of Ireland. "Tis certain our greatest hopes for Ireland is from this army, about which I have had many free and serious discourses with Lieut.-General Crumwell, whose spirit leads much that way, and especially for the support of Munster and to begin the war there, which, were he sent over, I should look upon the work as done, and therefore I offer it to you as a matter very serious whether we should not all petition to have him our Deputy, only I will be so free with you as to desire you first to enquire of Sir William Waller, upon my score, whether there be any thing in motion or thought touching him in that business. . . If I can get leave, I will be ere long at London, to set that wheel on going." 1 *p.* *Seal of arms.*

[Nicholas Loftus] to his cousin, Sir Philip Percivale.

1645, December 8.—We are all in good health, although the general calamity of want pinches all sorts of people. As to news, one day it is credibly reported that there will be a peace, and the next day it is contradicted. "I think there will be none, for I see the principal motives of the peace to be frustrate, they having not one man in a readiness to send to assist the King, and if they were willing, which they make little show of, they cannot possibly do it before the spring, and what their weak abilities can then perform, all the world may see and yourself doth know. Here arrived at Carlingford the Lord Digby and Col. Marmaduke Langdale and many other commanders which came from the Isle of Man, and as I hear, many more doth yet remain in that isle. What his lordship's coming may alter here concerning the speeding of the peace I know not, but a short time will produce what the effect is like to be. The British armies of Ulster about six weeks since went into Connaught, and there at Sligoe killed about a thousand or twelve hundred of the Irish with their great titulary Archbishop of Tuam [Malachias O'Kelly] who was President of Connaught for the Irish, with two of his chaplains; and since, Sir Charles Coote has taken eighteen several castles and garrisons from the Irish, and in one of them put eighty to the sword: The Irish has no manner of force now to oppose them, but they go without opposition where they please. The Irish armies are returned from their siege of Youghall and Cork, and Inchiquin has done some good service since their remove. The next spring will show what hopes of better times will be here." 1 *p.*

Endorsed by Percivall: "Cos. Lo. rec. 28 per Ald. J."

LORD BROGHILL to SIR PHILLIP PERCIVALL, at London.

1645, December 9. Cork.—The Lord President's departure being so sudden I cannot give you the account you desire, but will do so by the next opportunity. "The assurances which many of our friends do give us that our affairs proceed but slowly at London (the effects whereof are too apparent) has occasioned my Lord President to take upon him this journey, the inactiveness of the season rendering his departure supportable. Our condition he will acquaint you with, and now truly we are come to the crisis of our disease, and must either immediately recover or die, which I am very glad of, for suspense in my opinion is the worst of evils. I am sorry to hear that the affair concerning the petitions is only approved but not granted, which argues the little value they put upon the petitioners, for to think a thing fit to be done and not to do it, is a greater discourtesy than to deny it absolutely. . . . I am very sorry that your enemies continue persecuting of you and am confident your innocency will be an armour of proof. For one of them, I believe I have so conjured him, he will attempt no more. If he does, I shall esteem him my enemy as much as yours. . . . My Lord Ormond has now declared himself so publicly for the rogues that I wonder he sticks at anything henceforward that may advantage them." The Lord President will give you all particulars. *Holograph.* 2 *pp.*

[SIR WILLIAM USHER to SIR PHILIP PERCIVALL.]

1645, December 17. [Dublin.]—I wrote to you by Capt. Wentworth, who, I hear, is safely landed. [*Business matters.*] I received yours of November 15 by A.M's man, who arrived here this day with Sir Henry Tychbourne. "I am not so wise as to be able to tell you what will be the issue of this treaty, so long in agitation. There is a cessation till the 17th of January, and by that time, many conceive there will be some conclusion, but what that conclusion will be . . . the reports are so various that I cannot affirm anything on which you may rely. 2 *pp.*

T. M[AULE] to SIR PHILIP PERCIVALL.

1645, December 20. [Dublin.]—This is my fourth letter to you since my landing. I wrote at large two months ago by Captain John Wentworth, and desire to know if it came safe to your hands.

"Here landed my Lord Digby a month ago from the Isle of Man, Sir Marmaduke Langdale and fifty other commanders, and all of them commanded horse. They were all very bare, for they lost all that they had at the business of Sharrbourne [Sherburn] in Yorkshire, so much that my Lord lost his coach and all his horses and his sumpter and all his money and papers; so that every colonel, lieut.-colonel and major hath got five pounds, and every captain hath got three pounds since their coming here, which makes

our soldiers fare the worse for it and cry out vilely. My Lord Digby begins now to rail at the Irish for deceiving the King and not performing what they promised, but yet for all that we are working for a peace. The Cessation hath taken on again till the 17th of the next month, and then we hope by that time that we shall be able to send you over supply and relief, which I much doubt will not be performed. Here came letters lately from the Isle of Man to my Lord Digby and brought very good news, that my Lord of Montrose had given them a great blow lately and prospered mightily, and that Lathome was relieved and the siege raised, and so the like was Chester; and that the King had taken Plymouth and totally routed Fairfax. Some two days ago Sir Henry Touchbourne [Tichborne] landed here. He came from Leverpoole in a Parliament ship, and divers other passengers, which contradicts all this news and brings word that Lathome is lost and that all the other news is false, which troubles us very much. Inchiquin is in a very good condition, and Lieut.-Colonel Sanderson hath done very well with Sir Charles Coote in Connaught, and Sir William Cole doth very well where he is. They have given Owen Roe O'Neale a great defeat lately." Tell your wife that her brother Beverley has arrived here safe and well, and that her mother and all her friends are very well also. You would do me a great favour if you could supply me with a little money, for I protest before God I am in great want." 2 *pp.*

Postscript. "Sir William Cole hath given them a great blow, and doth prosper extremely well beyond expectation."

Endorsed: "rec. 10 Feb.

NICHOLAS LOFTUS to his cousin [SIR PHILIP PERCIVALL].

1645, December 22. Dublin. . . . "For news, all I can write [is] that the Earl of Clomorgan [Glamorgan] was yesterday committed by the Lord Lieutenant and Council to the Castle of Dublin for concluding a peace with the Irish without the State, and pretending a commission from the King for it, which the Lord Digby here doth protest against, and if any such be, it was ill-gotten and without the King's knowledge. For aught I see, Clomorgan is like to suffer for his actions, and his intended peace is like to come to nothing, and I believe those men that was to be sent for England, now on his committal will hardly be sent away. I doubt not but the Articles and his pretended commission are long ere this in London, being sent thither by Sir Robert Kinge, where you will at large see all for what this Earl stands committed for. This business alters the whole design of the Irish, and Plunkett and Browne being at this present in town here, on the committal of the Earl was presently ready to be gone for fear, but as yet they are here. What the issue of this business will be it is not known, but the Lord Lieutenant and Council doth carry all things for the preservation of the Protestants with much wisdom and care, so that I hope the Papists shall not have power to exercise their tyranny over the small remnant that are left." 1 *p. Endorsed by Sir Philip*: "rec. March 25, 1646, with letters to Jephson, Temple and Cromwell."

SIR PHILIP PERCIVALLE to SIR HARDRESS WALLER.

1645, December 22.—I received yours of the 4th on the 16th inst., with its noble expressions of affection to an absent friend. I think your attendance here of more consequence than I can express, and urge you not to neglect any opportunity of coming up. The supplies sent by your old friend Sir William Fenton were so seasonable that if seconded hence by the committee, so that forces may be sent to take the field early in spring, the Irish will be put to much distress.

"The next morning after I received your letter, I waited on Sir William Waller from you, who was pleased to afford me an hour's free discourse, and in conclusion told me that he had received so many discouragements heretofore when he was near hand that he cannot think of desiring to be again engaged in like kind, although he wishes as well to the cause as any man, and (if called thereunto) would adventure so far in it. The truth is that the Scots had (till of late) a pretence to that command, and therefore it is conceived that it would not be conferred on him if he should desire it. About ten days ago, the Lord Lisle was named publicly in the House (by Sir John Evelyn) as a fit person for that place, (contrary to the expectation of those who set the business first on foot, aiming at another, and conceiving the north the fittest place to begin the work), but it proceeded no further that I can hear. There was also a petition about that time fr[amed?] privately to desire that your friend there* might be designed for that service as the only expedient, and (as I understand by some that wish well to the service and to him) it was stayed by them for some reasons, wherewith I doubt not but they have ere this acquainted him, they having frequent opportunities of sending; and it is resolved for the present (as I am informed by some of the house), that the affairs there shall be managed by committees for this season. . . . I am confident that when God's good time comes for punishing of those who have so long and so heavily afflicted us, there must be some such person appointed, whose fame may induce men to raise means on fit terms, without which little good can be expected, at which end soever they shall begin the work." This is all the account which my imperfect idea of affairs enables me to give you.

Postscript. I have kept this letter until the 24th, partly because I heard that the Scots, not being satisfied, resolved to move the House again, which they did yesterday, but without success. The House also proceeded to the first reading of the Ordinance for raising money by way of assessment for Ireland, at the rate of a third part of the Lord General (Essex') tax, which will be a great help to the work if it pass. The further reading is fixed for next Tuesday. Sir John Temple moved that a governor should first be appointed, but it was not seconded. Mr. Maurice Thompson has just told me "of some difference between the Pope's Nuncio and the Lord of Ormond, and that the rebels are forbidden

* *i.e.* Cromwell, then in the west.

to deal with the heretics (as they term us), and it is reported, upon what ground I understand not, that the Lord of Ormond is coming in." *Draft.* 2¼ *pp.*

Captain John Hodder to Sir Philip Percivall.

1645, December 24. Cork.—Mr. Percivall has gone for England, leaving a note with Mr. Walton to "supply his room," with condition that he is to be paid 8*s.* the week. "And at this time, he hath taken a commission to be cornet under Capt. Gethinges, and also hath had a commission from my Lord President ever since Midsummer last to [be] commissary of the field. I perceive that he means to solicit to be storekeeper still, and that his brother Giles shall execute the place under him. I leave it to your consideration whether one man should be both storekeeper and commissary of the field, but if not, I pray that my brother William Hodder and William Sinart, who have had all the pains hitherto, may keep the place until you shall otherwise dispose of it.

I have not received above 20*l.* these four years of my Lord to defray charges for cellarage, wages and many other things, and for that reason, have now and then sold such things as might best be spared, besides borrowing a great deal of money from my cousin Strange and other friends. I pray you, move my Lord that I may be supplied with money for these charges hereafter. 1 *p.*

Lord Inchiquin's report to the Committee of Both Houses for Irish Affairs.

1645, December.—A relation by Lord Inchiquin of his proceedings in Munster since his leaving Oxford in the summer of 1644. [*There is a copy of this amongst the State Papers, Ireland (Vol. CCLXI, p.* 94) *and a full abstract of it will be found in the Calendar, (p.* 434), *but in one passage, that copy is mutilated. The passage runs as follows*:—"It pleased the Almighty so to infatu*ate* and divert the counsells and designs of the rebels this last summer in sitting down *before* the town of Youghall, which was relievable by sea, when they might with greater *facility and* assurance have reduced any of our other garrisons and then have fallen last on that *town, when* no other place in the province could have exhibited relief unto it." *The words in italics are wanting in the S.P. copy.*]

Endorsed by Sir Philip: "Lord Inchiquin's vindication and explaining his progress;" *but this is cancelled, and, in another hand is substituted* "First propositions to the committee, Dec., 1645. [*Inchiquin did not however actually deliver his report until January; verbally on Jan.* 13, *and in writing on Jan.* 17. *It was not entered until Jan.* 27, *together with his further report concerning the Munster forces.*]

SIR PHILIP PERCIVALLE to T[HOMAS] M[AULE].

[1645, Dec. ?].—I have sent you certain sums [*enumerated*] by Ralph Richardson, Sir John Clotworthy and Arthur Jones. If old Bartlett pays the rest of his debt, my brother [Usher] will give you what is still wanting, and if not, will make shift to get a part for you till that comes in. "You may remember that I was once very earnest there for you with a friend of yours and mine whose son hath, of late, endeavoured to do strange underhand offices to me. He prescribes to himself no rules but those of his own will, tending most to his own ends. I met [him] the other day at the wife of Hodgeson, his (now) greatest friend, who would not look on your friend; and of all men, he and one more labour to do mischiefs. God reward them according to their works. . . . I confess I am your debtor for two letters, which I had not been if I had had conveniency or matter to write as I would. I was not wont to be in arrear for such courtesies." *Draft* ¾ *p.*

SIR PHILIP PERCIVALLE'S VINDICATION.

[1645?]—Defence of his conduct as commissary and also as a consenting party to the Cessation of September, 1643.

Two copies; one a rough draft, very much corrected, in Sir Philip's own hand; the other in another hand, but corrected by Sir Philip. [*A very full and excellent abstract of this is printed in Carte's Life of Ormonde, Vol. I, pp* 454 *et seq., but certain passages there omitted, are supplied below.*]

At the beginning, p. 454: "Having been appointed Commissary General of the Victual for the Army in Ireland, and therein—according to my best understanding and to such a scantling of means or provisions as were sent out of England or could be procured there—faithfully discharged myself, and industriously laboured night and day to improve all means that I could conceive might redound to the advantage of the war, and to the keeping of and preserving us from any want of necessity and consequently any mischief or inconvenience to ensue thereby; [and having] disbursed my own money and what I could procure of others for and towards the sustentation of the army there, and (for the enabling of officers and ministers necessarily employed to subsist) engaged myself for several sums of money and great quantities of provisions by me contracted for, for the subsistence of the army in times of distress; [and], in hopes of the continuing of an effectual prosecution of the war, propounded many ways, as well to the successive Lord Justices and Council as to the Marquess of Ormond, Commander in Chief of the Army, (in the absence of the Earl of Leicester, Lord Lieutenant General of Ireland) and also to the Committee sent over by the Parliament, tending to the better subsisting, as well of the army as of the inhabitants, and to the saving of the Parliament's charge in that war, and wrestled with several great extremities of several natures, too tedious to be here inserted, in those times of extreme scarcity and discontents of armies that (for the most part) were not at all interested in

that kingdom, but were sent out of England on that service and wholly depended on their entertainments: All which I did cheerfully undergo without receiving any pay and entertainment, expecting by God's blessing upon the good success of the armies in such a good cause a re-settlement of our religion and government there established, of our former estates and fortunes, whereof most of all his Majesty's good protestant subjects were divested and disployed by the cruelty of that unparalleled conspiracy and rebellion: And being now come to attend the pleasure of the Parliament, of whom I expected to receive some part of the entertainments due unto me as a reward for my service, with pity, compassion and commiseration for my sufferings, and to be discharged of my engagements, I find that I have been traduced and detracted, and my reputation by some persons for by-respects wounded, chiefly concerning the first cessation of arms concluded with the Irish the 15 of September, 1643. I conceive it therefore a great addition to my many miseries thus innocently to suffer, and that it is necessary for the vindication of the truth and of my injured reputation, ingenuously to offer to your Honour's consideration that nothing but want and necessity . . . did or could compel my consent or submission to that cessation." [*Here Carte's report begins. On p.* 456, *after the passage ending* "discontents of the army" *follows*: "About the last of October, 1642, a committee of the Parliament arrived at Dublin, viz., Mr. Robert Reynolds, Mr. Robert Goodwyn and Capt. Tucker, who brought with them about 20,000*l.* in money and some ammunition . . . unto whom, as also to the Lords Justices and Chief Commander of the Army I gave particular relations and accounts . . . and about the end of Christmas 1642, while the Committee of Parliament were there, after that I had by former warrant of the Lords Justices and Council, shipped aboard the good ship of one Capt. Richard Hart, six hundred barrels of herrings for to supply (in some sort) the necessities of the army in Munster,* then in great distress, and paid 62*l.* freight and other charges for the same, the wants at Dublin were such that they were by like warrant unshipt, and issued to the soldiers there, with loss, which course increased the discontents of both armies." [*Here Carte takes up the report again, but on line* 39 *of p.* 456, *after* "sent over 17,000*l.*" *read* "into Leinster" *and on the last line of the same page*, after "the muster . . . must stand," *add* "Although far exceeding the true numbers."

P. 457, *line* 43, *for* "would not go over" *read* "had not leisure to step over."

P. 458, *line* 19, *after* "diseased and died," *add* "that they had borrowed of the contribution money for the poor sent thither (which was a lamentable shift) to help them; that the discontents were so general that they could not punish anyone; that one man (who justified a mutiny in the head of the army upon a march forth of town) being ordered to be hanged, the rest

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* *See* p. 185, above.

violently assayed to rescue him, crying 'money, money,' insomuch that the State were forced to reprieve him."

P. 458, line 31, *after* "Dublin," *add* "and other garrisons. . . . the most part of the burden of which taxes fell upon the protestant party, they having some provision of victual which they traded for into England or Wales, visible, while the papists did forbear to deal in anything, but conveyed their money or goods into France, as was very generally reported.

P. 458, *line* 42, after "made away by the officers," *add*, "three parcels excepted, which were sent in by Sir Henry Titchborne, Sir Francis Willoughby and Col. Crafford."

P. 458, 4 *lines from bottom, after* "the Cessation,"[*] *insert* "His Majesty (unto whom letters were also sent by the Lord Justices and Council of all wants and distresses, with advice that . . . the kingdom was in imminent danger to be lost) did by his letters . . . express that he had a deep sense of those wants[†], and that he had done what in him lay to give furtherance to that war, promising also to supply the army as he was able and to pay the officers to the full, or to that effect, encouraging them therein, which took much with the officers, and increased the discontents of the army, who conceived that they ought to be supplied by the Parliament, and that they received not the like encouragement from them as from the King, as was generally spoken by them. On the 17 of March, 1642[-3], his Majesty's commissioners thereunto authorised received from the Lord of Gormanstowne and other agents of the Irish, a remonstrance of their pretended grievances, and of the pretended causes of their taking arms, after which time (as some had done before), both officers and soldiers, some by licence, some without, went into England, many with arms and horses and some without, having sold or made them away, and many with good booties, where they received so great encouragements and preferments as much increased the discontents of those of the army who stayed behind, many of the soldiers being barefoot, hungry, naked and almost starved, and most of the officers in extreme wants also, as is well known. On the 4th of April, 1643, Sir Wm. Parsons and Sir John Borlase, the then Lord Justices, and Council, certified by their letters to the Speaker of the Commons' House† of Parliament that upon divers consultations had by the Marquess of Ormond with the commanders and officers of the army, it was resolved in a council of war that subsistence could not be had abroad for the men and horse which had lately marched to Ross, or for any considerable part of them, whereupon they returned to Dublin . . . and that albeit the Lords Justices and Council were much joyed with the victory that it pleased God to give that army in that march, and that the rebels were not able to devour his Majesty's army and his good subjects, yet that both were like suddenly to be devoured by the want of needful supplies out of

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[*] *See* the King's letter of April 29, 1643, *Calendar of S.P. Ireland* 1633-47, *p.* 381.

† Read in the House on April 17, but not printed in the *Journals*. *See* Report on Ormonde MSS., New Series. ii. 259.

England, and that their hopes were converted into astonishment to behold the unspeakable wants and miseries of the officers and soldiers for want of all things; that the city was unable to help them as formerly it had done, that divers of the commanders had expressed their little hopes of being supplied by the Parliament, and pressed with such importunity to be permitted to depart the kingdom that it was extreme difficult to keep them there; that they were not able to advance money to send the soldiers that formerly marched, or others, abroad, but were forced to take away the goods of those who had anything left untaken from them, for their relief, and that they had not any victual in the store or powder for above a month. About the end of May, 1643, letters arrived from his Majesty for treating of a cessation of arms, grounded on the want of means to prosecute the war (as was published), the apprehension whereof added much to the grief of our party, especially those who had interest in that kingdom, who considered the many impieties by the rebels committed towards God, and the many barbarous cruelties committed upon them and their poor brethren of the protestant religion and British nation, under which we lay in the depth of misery, having no hopes under heaven to be re-invested in our former estates with any comfort or security—from which we had been perfidiously expulsed by the Irish—but by the power of an army. Soon after the arrival of which letters, several advertisements thereof were sent unto some of the members of Parliament, and the dangers also represented which were very likely to ensue, with notice also that there was no pretence for this course but want, which was generally imputed unto them that undertook to supply the army and to prosecute the war; and several letters were sent by the Lords Justices and Council about that time to the Parliament, as was declared at the treaty, expressing the very small means in six months before received from the Parliament, the terrible wants of the army, and the danger of the loss of the kingdom if the same were not speedily supplied, urging them for God's sake, for their own sake, for the future good of the English who had adventured their money in that war, for avoiding the certain danger of the perpetual war in England . . . to send relief and to hasten away the Lord Lieutenant, yet nothing more than is above expressed came to our relief."

P. 459, *line* 14, *after* "Dublin," *insert* "and in that time I did write to Mr. Davys, commissary for provisions in the North, then at London, to be informed in what condition he was and what hopes of supplies there were for us, and did, in my letters unto him and divers others express my detestation of a cessation if it could be prevented or avoided.

P. 459, *line* 24, *after* "attend the treaty," *insert* "and also from the chief commander of the army, [Ormond] directed unto me (a minister of the army) . . . which warrant (though it were much contrary to my desire, inclination and interest that there should be a cessation) I obeyed (as I conceived I was bound to do) and did faithfully endeavour so to provide for the army as to keep off, as much as in me lay, any hard conditions on the treaty,

to the end that if a cessation should be for a time, yet when it should please God that a right understanding should be settled between the king and Parliament (both which professed their readiness to prosecute the war, as was oft published by the State there) that war, so honourable and so just as no war in the world could be more, might with the more ease be undertaken, and the Protestant party, in the mean time, might hope in some sort to subsist. . . . Neither had I ever any desire by a cessation to please the Irish or advantage myself, having suffered very much by them. . . . I know myself also as much maligned by them (since the war began) as any man, insomuch that many of the better sort of them had imputed my fidelity and industry in that place (without which the army had been much sooner distrest) as proceedings of extraordinary hatred in me towards them, worthy of their most sharp revenge. And it is universally known that I was as far from being an instrument to procure any necessity through want in any respect whatsoever at any time, as I was to advise or consent to a peace when I was (by command) employed in that treaty, and if any intent or design there were in any other to procure a necessity and to make that the ground of a cessation or peace, the same was wholly unknown to me . . . who had always expressed my affection to the Protestant party in all my actions, and my hatred of the rebels' courses."

P. 463, *after line* 2, *insert* "19. I never saw any letter or other directions or authority of the king's touching the treaty whereupon the Cessation was made, nor did I ever hear of any intention that his Majesty had to make the Cessation an introduction to a peace until that afterwards I saw it expressed in a declaration of his Majesty's; neither did I ever hear that the Parliament made any declaration against the treaty or Cessation, or expressed any dislike thereof, until after it was concluded, albeit it was more than six months in public agitation before any conclusion made, and that many letters were sent over concerning it, during which time we still hoped for relief out of England or some means to content the army, and also for some declaration touching the treaty or Cessation; the letter of the Speakers of both Houses to the army in the North, declaring the sense of the Houses touching that Cessation, and their intentions to supply that war, being dated the 4th of Nov., 1643, and not received there until the 6th of December or thereabouts, and no letter to the army of Munster ever arrived there touching the same."

P. 463, *line* 3, *for* "19" *read* "20, 21," *the paragraph being a short summary of the two*; *p.* 463, *line* 4, *after the above paragraph insert* "21.*" The Irish refused to treat of the sum to be paid upon the Cessation (which was declared by the Marquess should be applied wholly towards the maintenance of the army) until the conclusion of all, and then would be drawn to agree to 30,800*l.* only, which was not a third part of what was generally conceived they would have paid before they had awed us by the late

* The concluding part of the paper, omitted by Carte, is here given in substance, but not in extenso.

successes of their several armies; and then the agents of the Irish (having perfect intelligence of our condition) made great advantage thereof; and indeed I conceived that what was agreed on by them would have been readily paid, and would have been applied to the army, which, it was intended, should then be exactly mustered, and put into the principal garrisons to secure them and us until better times; and if this had been performed, it would have been a great ease and comfort to the poor Protestant inhabitants, already almost wholly beggared by the intolerable burdens of the army, and would have tended much to the good of the cause; but 'about two months after the Cessation concluded, before any muster made or any good proportion of that small sum of money paid, the King sent order to draw over the most part of that army into England, which, as they readily embraced, so the inhabitants would have been much afflicted at it generally had they had ability to keep them there.' By all that I have said, it is easy to judge in what a miserable condition our army was at the time of the Cessation; that I (amongst others) had used my utmost endeavours to prevent it; that the country (within our power) was wasted; that the inhabitants of the garrisons were beggared by the burden of the armies; that the Irish armies were in the field in a prevailing condition and our own not in a posture to take the field at all, and generally discontented and disaffected to the Parliament; and that (by reason of the war in England) supplies for the war could not reasonably be expected; upon consideration of all which things and others (as expressed in the Lords Justices' letters already mentioned, to which I refer myself), it seemed to me 'more honourable, more charitable, more necessary and in truth more advantageous for the cause to consent and submit to a cessation for a time on the terms agreed on (and so to preserve the life and soul of the cause, though the body of it were, for a time, laid asleep), rather than to have refused the same, to go on with the war which we were no way able to maintain any longer (all things seeming to conspire against us at that present); which Cessation I never consented or submitted unto out of any inclination to peace with the Irish, but merely out of the necessity and sense of the present condition unto which we were reduced, far below my ability to express, conceiving that the Cessation (as things then stood) might be a means to enable the protestants to subsist, and (when an opportunity should be offered) to contribute something to the vindication of God's true religion, the English nation and protestant party for all the unparalleled massacres and cruelties on them committed . . . [having] used all possible means in my power to the utmost hazard of my life and substance, to sustain the armies in all distresses in the way of the war and to prevent any such necessity, in which employment I really spent near 2,000*l.*[o] of my own estate besides divers goods

[o] Written 1,000*l.* both in draft and copy, but altered to 2,000*l.* in the latter. In the *House of Yvery*, this paragraph is quoted, but the amount given as 11,000*l.* by mistake; while the 10,000*l.* engaged for provisions is given as 1,000*l.* (ii. 263).

of my own and what money or goods I could procure of others; contracted an arrear of 4,000*l.* and upwards for entertainments due unto me by the Parliament for several employments in that war, appearing in the Muster-Master's account perfected there; engaged myself in more than 10,000*l.* for provisions by the army spent (having never refused to engage myself or my estate for them upon any occasion) lost 20,000*l.* personal estate and the benefit of several offices that I held for life, worth 2,000 marks *per annum*, by the cruelty and rapine of the rebels, with the lives of divers of my friends, kindred and servants in time of full peace without any provocation before any army was on foot against them, besides a competent estate in land of inheritance of 2,000*l.* *per annum* and been at great charge in my office of Clerk of the Crown of the King's Bench to record indictments of high treason according to the laws of the land against three thousand of the rebels, and these for the most part noblemen, gentlemen and freeholders, and according to the duty of my place prosecuted to the outlawry two thousand of them [and] with the constant labour and charge of four expert clerks by me maintained ever since the war began without charge to the State, made up the records of their attainders as formally and exactly as the Records of the like nature in England have been at any time made up. . . I did also without charge to the State raise and arm a competent number of soldiers, horse and foot, and to this day have maintained two castles of my own in Munster (viz., Liscarrol and Annagh) in the most remote parts or out bounds of the quarters of the Protestant party, and most subject to the incursion of the rebels, and thereby continually much annoyed the rebels; in which castles I relieved three hundred distressed English souls for almost twelve months of the war, until my provisions grew very scarce and that by the help of an army (marching that way) they were fetched off, besides three other castles (viz., Templeconila, Walchestowne and Bregoge) which I maintained during the war until two of them were by the Irish treacherously surprised about the time of the commencement of the Cessation (they having made it a design of theirs upon notice of my averseness unto their desires upon the treaty), and also with little charge to the State maintained one other castle nine miles from Dublin, called Castlewarninge, lying in the most open way of marching of our armies, where they usually reposed upon all occasions, where also I manured the lands adjoining, which few others in our quarters did, and paid contribution to the army thereout; all which I hope will in due time be taken into consideration, the raising and maintaining of forces against the rebels being invited and encouraged by promise of reward by order of both Houses, printed 12 November, 1641. And having faithfully performed my duty in all that is above-mentioned, I could not conceive how any blame could be cast upon me or upon any of those unhappy protestants whose blood the Irish yet thirst after, . . . but I did believe that they would use all means to encourage and cherish us," and that the rather that at the time of the Cessation

the wants and discontents were such that all the protestant forces in the other parts (as well as about Dublin) yielded a ready obedience thereto. The forces of Munster received an assignment (upon their demand) of a good part of the 30,000*l.* promised by the rebels; those in Connaught received 220 cows in part of the same, and contribution from the inhabitants of the country, according to the Articles of Cessation (for the detaining whereof, upon complaint of the officers there, orders were sent requiring performance) and the forces of Ulster raised the siege of Charlemount, which had long continued, and many of them became suitors for part of the contribution money from the Irish, and by many other acts most of the garrisons showed their ready acceptance of the Cessation, "until several breaches were generally made by the Irish, and that relief came unto them out of the Netherlands, expressing only sorrow and discontent for the general wants and discontents of the army which did occasion that Cessation." 87 *pp.*

VALENTINE SAVAGE to SIR PHILIP PERCIVALL.

1645[-6], January 13.—On Saturday I received your letter in answer to the one I sent by Mr. Batten. "Touching Robert Heald, I will give you some account after next sessions of Parliament. For P. Tallant, he is now altogether backward, for that the Irish on the 29th of the last at night did basely murder John Joyce and the rest that were with him in the castle of Wickloe (being six in number) and burnt the castle, and endeavoured to burn them in it after they had murdered them, and gave out it was the Parliament men from the ships that did it. Touching our peace, I nor any of our party (I think) know anything, for the Irish give out we have 'leg'd' a month's cessation since the committal of the great General Glamorgan."

I am out of all hope of seeing you, but my daily prayers shall not be wanting for the protection of you and yours from your enemies. *Unsigned, but endorsed by Sir Philip*: "Val. Sav." 1 *p.*

On the back: Receipt in Sir Philip's hand, for making "pellets" apparently for a cough, the ingredients being hissop, horehound and coltsfoot waters, licorice, aniseed, various gums, musk and amber-grease.

NICHOLAS LOFTUS to his cousin, SIR PHILIP PERCIVALLE.

1645[-6], January 14. Dublin.—I send you the duplicate of the defalcations which you returned to my brother, Sir Adam Loftus, Treasurer at Wars for Ireland. Pray tell Mr. Trenchard that I will bring his writings with me as safely as I bring myself. The Cessation is proclaimed for a month longer, and the Irish Commissioners are expected here next week, but I see no likelihood of any peace. "The commitment of the Earl of Clamorgan has stumbled business here very much and breeds a great stir and amazement among the Irish. I am sure you have at large heard of the causes of his restraint, which in brief are these: On a pretended commission which he said he had, he concluded a

peace with the Irish, and therein gave them all the churches, and all the church lands, tenements and hereditaments, with all the tythes, to the Popish clergy, except only such as are now in the actual possession of the Protestants, which you know is very little and inconsiderable." If we had a peace, no wise man would take any benefit by it, and if he did, he would hazard his life, as is shown by the late cruel act of the rebels (in the time of cessation) committed upon John Joyce at Wicklow. On the 29th of December, he and three others were bringing in their cattle in the evening to the King's old Castle of Wicklow (which has been kept safe by his Majesty's soldiers these four years, and of which Joyce was vice-constable) when a number of the barbarous rebels of co. Wicklow, who were lying in wait for them, managed to enter with the cattle, murdered the four men and a woman and boy who were with them in the Castle, took away all the goods, and set fire to the castle, first casting the dead bodies, which were covered with stabs, into the chimney, that they might be consumed and so their wounds not be seen. But they escaped burning and were dragged out next day by another party of the rebels. Many in the country, who had wished well to Joyce in former times, desired to bury the dead in the churchyard, but this was absolutely denied them by the titulary vicar-general and some other friars who have seated themselves there in an old abbey, saying that "no heretics should be buried in that sanctified ground." This old castle of Wicklow was the only strength which the King and the English had left in that county, and the Lord Lieutenant and Council take the business very ill. They have sent to demand the actors, but I imagine little good will come of it.

"My Lord Digby here doth protest with all earnestness against the act of the Earl of Clomorgan as being done without commission, and doth charge him with high treason, as done of himself, without the King; or if any commission he hath, it was gotten surreptitiously and without the King's privity; but the Earl stands stiffly to what he has done and justifies his actions at full." Our condition here is full of uncertainty and hazard, and our only hope is in a union of the King and Parliament. 2 *pp. closely written.*

Addressed: "To my truly honoured cousin Sir Philip Percivalle, knight, this present at Captain Wm. Parsons his house in St. Martin's Lane, near to the Long Acre, London."

William Grice to Sir Philip Percivall.

1645[-6], January 29. Leverpoole.—Complaining that a cargo of herrings from Dublin, consigned by his brother-in-law, Daniel Hutchinson, to one Thomas Andoe at Liverpool, has been seized by Mr. Dennott, collector for prizes; and praying to know "whether it be an ordinance of parliament, that if a protestant come out of an enemy's quarters with provision, purposely into the parliaments, there to continue, whether he be lawful prize or no; for if it be so, no honest people can come in any safety from among the rebels." 1 *p.*

SIR PHILIP PERCIVALLE.

1645[-6] January.—Paper in Sir Philip's hand, and endorsed by him "Jan. 1645. The objections made underhand against Sir Philip Percivalle by Sir Jo. Temple and his adherents."

"The particulars which have been underhand in a clandestine, unchristian like way laid to the charge of Sir Philip Percivalle are these and only these, save that which hath been said that he did the Lord Lisle some particular disservice, whereof his Lordship upon consideration had acquitted him.

1. That he was long acquainted intimately with the Earl of Ormond, and privy to all his plots and designs and his Majesty's, in favour of the Irish, and acted at the Cessation all he could for their advantage. *Margin.* The certificate of the Lord of Inchiquin, Sir Percy Smyth, the Protestant agents, &c., to be read.

2. That being sent to Oxford upon the King's letter dated in October 1643 as a Commissioner, with Sir William Stewart and others, upon the treaty for peace between the King and the Irish, he assisted the King's ends there. *Margin.* The certificate of the Protestant agents, Col. Kinsmill, &c. to be produced.

3. That he did come thence with the King's leave, and acted for him here ever since. *Margin.* None could come from Oxford without the King's leave, and he had no other leave than all the rest, and hath acted with them ever since for the Parliament.

4. That he never owned any of the Protestants of Ireland nor appeared with them until after the battle of Naseby. *Margin.* The other certificate of the Lord of Inchiquin, Sir Thomas Wharton, &c." ¾ *p.*

COL. WILLIAM JEPHSON to SIR PHILIP PERSIVALL.

1645[-6], February 5. Winton.—I have returned to this place to fetch my carriages, which, upon the alarm of the enemy's advance betwixt it and Bristol, I was forced to leave here. I dare not return to London, for my men are so impatient of the long delay that many of them have already run away, and if I went back there, I am confident the regiment would take it for granted that I did not mean to go to Ireland at all, and would break up. I know that my absence will no way redound to my prejudice, though much to your trouble, you having so nobly undertaken the business on my behalf, I am now returning to the sea-side and will call at Tom. Piggott's for letters on my way.

Postscript. I hope money may be procured for the despatch of the Commissioners, "for I fear if my horse should come into Munster and not bring more than 1,000*l.* with them, they may possibly more press upon our friends than terrify our enemies." *Signed.* 1 *p.*

MRS. JUDITH USHER and SIR WM. USHER.

1645[-6], February 6.—Award in a difference referred to them by Sir Paul Davys and Sir Philip Percivall (to both of whom they stand in the relations of mother in law and brother in law) concerning the lease of Percivall's house in Bridge Street, Dublin, held by Davys. *Signed.* 1½ *pp.*

SIR HARDRESSE WALLER to [SIR PHILIP PERCIVALL].

1645[-6], February 12. At my headquarters, Peamount.—I give you my hearty thanks for the drudgery which, as I learn from my wife, you have put yourself to, for a sum so inconsiderable that, not long since, neither you nor I would have had our servants to travail for it. As for Ireland, "my spirits are something fallen in that business of late, because I do not hear the work is like to be carried on by such as carry a two-edged sword in their hearts as well as that in their hands, and for our affairs here in the West, which I ever esteemed our nearest way into Munster, the General leaves me with a good part of our army to go forward in the work he first engaged me, the distressing of Exeter, to which purpose I have now advanced my quarters within twice musket shot of the town, so as now we keep one another in perpetual action, and if the regiments come in to me as they have promised and undertaken to the General, I shall have eight regiments of foot, and not doubt, by the goodness of God, to give a good account of this place in convenient time, it being as strong as works can make it, and I believe abundantly victualled. The General, within two or three days, advances with a gallant body towards Barnstaple, where the enemy is now drawn near together in those parts, being able at the most to make up two thousand foot, and not three thousand horse. My paper is not more scanty than my time, and therefore I can say no more." 1 *p.*

SIR PHILIP PERCIVALLE to COL. JEPHSON.

1645[-6], February 14. Queen Street.—I received your letter by Col. Pinchbanck, and cannot but conceive that it would be exceedingly prejudicial for you to leave your regiment, although your presence here is very necessary, both for the main business and my Lord [of Inchiquin]'s particular. He attends diligently, but to what issue his negotiations will come, or when he will be dispatched, I cannot tell, but hope the best, as everyone is still very civil to him. I delivered your letter to Lord Wharton, and had a long discourse with him, when he promised to do me any courtesy he could.

Touching your business at Froyle, you may rest assured that to the best of my little skill I will advise and direct matters for your benefit. [*Here follow many details about the estate, which Sir Philip had lately visited.*] I was told by Mr. Jenner that, in the report, your regiment was stated to have cost 15,000*l.*, which he himself spoke to as an unreasonable charge, and Sir J[ohn] T[emple] moved that Munster had had 80,000*l.* already, but Mr. Knightley gave a full answer to that, showing that the gentleman was not well informed, and that of what was ordered, much was in papers not yet received.

"For my particular, I could tell you that the old malice so continues and takes such a rise from the new preferment of friends, that among four or five of them a council was held, and

preferments and money offered to any that could say aught against me, either of words or actions (a godly course, is it not, and it was on a fast day too), but that God that hath preserved me hitherto [*a word or two cut away*] preserve me still." *Draft.* 3 *pp.*

Col. William Jephson to Sir Philip Persevall.

1645[-6], February 22. Asheton.—"I am very sorry to hear I am so soon attempted to be ruined at the first turn of my back, but the buckler of mine own innocence in this business shall either protect me or (at least)) satisfy myself. I am as much troubled to hear the old malice is persecuted against you, who, I doubt not, have the same refuge." [*Here follow business details.*] My business is so safe in your hands that I leave it wholly to you, and so well approve of the suggestion of putting a trusty tenant to live in my house, that I would let him have it rent free, with the gardens and orchards and a reasonable proportion of wood gratis, to invite a good tenant, who would keep it up handsomely.

"I am now, upon the news of this defeat [of Hopton] at Torrington and the advance of some of our army to Barnstaple, bending my course to ship at Mynehead. I have written to my wife to take your advice in a business that concerns me nearly, wherein I shall not doubt your assistance." 1¾ *pp.*

Colonel Sir William Kingsmill.

1645[-6], February 28.—Certifies that the officers and soldiers of the King's army that came out of Ireland were given to understand that the whole intent of the King's party (after a peace or accommodation obtained here) was to prosecute the war of Ireland effectually. Hearing that Sir Philip Percivall (who had always held a good reputation among the Protestant party, and was deprived of a good fortune by the Rebellion) was employed as a Commissioner in the treaty of peace at Oxford, Simon Bridges, then major of the Prince of Wales' regiment of horse, and he himself, being then major of the Duke of York's regiment of foot, with others, repaired to Oxford about Easter, 1644, to learn from the said Sir Philip the true state of affairs; when he declared to them that he found the Commissioners and agents of the Irish well accommodated, favoured and credited at Court; the treaty so unequally carried that the Commissioners and agents for the Protestants could neither get opportunities to be heard in setting forth their own sufferings or the villanies of the Irish; that the Act of Parliament for the Adventurers for subduing the rebels was undervalued and laid aside, and a new Parliament in Ireland likely to be called, which must needs consist for the most part of rebels themselves, so that there was no possibility that the peace (if it should proceed, as it was then generally reported it would), could render any comfort or security to the Protestant party, wherefore he had done his best endeavour to prevent it.

Upon which Major Bridges, deponent, and many other officers and soldiers resolved to quit their service on that side, and adventure the sacrificing of their lives in Ireland, which resolve, at the first opportunity, they put in execution. *Signed.* 1 *p.*

Sir Thomas Wharton.

1645[-6], February 28.—Certifies that he arrived in London August 3, 1644, with the declaration of Lord Inchiquin, Lord Broghill and others, and letters to the two Houses of Parliament concerning their great action in turning the Irish out of the Munster garrisons in the July before. He sent for Sir Philip Percivall (who was then living with friends in Hertfordshire, and whose experience, integrity, and affection to the protestant cause had been well shown in the war of Ireland, where he had much contributed to the support of the army against the rebels) who came up to London about August 7, and attended constantly until the first Ordinance of the weekly assessment for maintenance of that war, dated October 18, 1644, passed both Houses, "and did contribute his endeavours, advice and assistance in that affair, as well in writing and acting as in attending the orders of the House of Commons and the Committee of Both Kingdoms, and also in attending several other Committees of the House and the Committee of Adventurers of the same from time to time." *Signed.* ½ *p.*

Lord Inchiquin.

1645[-6] February 28.—Understanding that it has been reported that Sir Philip Percivall was privy to "a design of making a necessity whereupon to ground the first cessation" of September 1643 between Lord Ormond and the rebels, and having been for many years intimately acquainted with the said Sir Philip, whose ability, integrity and good affection to the Parliament service he knows by long experience, he thinks it good to certify that Sir Philip "was of special trust among and hath held a good and entire reputation with the protestant party." At the time of the treaty he was Commissary General of the victuals for the army and attended Lord Ormond in obedience to a warrant of the Lords Justices and Council (as did also Lord Inchiquin himself) and when there, often expressed "much grief and sorrow of heart for the occasion of that meeting and of the consequences he feared might ensue thereby unto the protestant party" and amongst the rest to those who had lost their estates by the rebels, as he himself had done. Both by word and writing he opposed the propositions of the Irish, and to prevent the need of a cessation, contributed much to the support of the army, as was acknowledged both by the Lords Justices and by Lord Ormond, although they were of very contrary opinions in other matters. Being afterwards employed (by command) at Oxford, he behaved himself well and worthily, aiding the agents of the protestant party and satisfying many officers of quality and repute

there of the unequal carriage of matters for the protestants, which occasioned their afterwards coming over into Munster. *Signed.* 1 *p.*

COL. WILLIAM JEPHSON to SIR PHILIP PERSEVALL.

1645[-6], March 5. Shapwick near Bridgwater.—Reiterates his conviction that it will not be safe to leave his regiment, at any rate until all or most part of the men are shipped for Ireland. Then, if necessary, he will come up, and in the mean time he has so much to do in ordering matters quietly in their quarters, and preparing for their dispatch, that he needs to be in two or three places at once. 1 *p.*

NICHOLAS LOFTUS to his cousin, SIR PHILIP PERCIVALE, London.

1645[-6], March 18.—Your letter, dated October 28, has only reached me to-day by John Longe, the carrier. However much the party you wrote of undervalued me, I do not much care, for I respect him as little. When I have time, "you shall hear from me at large as touching that proud man's answer, whose folly therein I despise. The peace here is like to be quite broken off. I assure you the Irish themselves have no manner of hopes to obtain it, but are extremely cast down and dejected, for we all, the protestants here, have great hopes that the peace of England will suddenly be concluded. The English in Munster, Ulster and Connaught do daily obtain great victories against the Irish, and gets in many garrisons every day with great preys of cattle. If God send an agreement between the King and his people there, the war here will suddenly be at an end." 1 *p.*

SIR PHILIP PERCIVALLE to COLONEL JEPHSON.

1646, March 25.—Yours of the 5th told me you were going westward, while from my Lord [Inchiquin] I heard that you were expected here, but now I find that it will be ten or twelve days before you will be ready there, and so send you these few lines, though truly they might very well be spared, as things stand. My Lord is where he was, and has given up the thought of expecting more forces (until they shall be sent after him) or the naming of officers. He has got an order for 6,000*l.* upon the Excise, but the Commissioners refuse to advance upon it, and he must labour with others. In regard to your own business, wherein there has been much whispering to your prejudice, "many have to their powers endeavoured to right you, and I doubt you will find nobody to fasten the injury on, when you shall desire any reparation, so subtle men are in casting aspersions and denying or palliating the same when anybody that understands it offers to speak to it." [*Details about Jephson's private affairs.*] I have often moved Mr. Fenton Parsons in your matter, but have not pressed it much, because Mr. Alexander is sick and unfit for business. As for my own affairs, "I had, by a strange hand of

providence the particular objected, and so came to desire to be heard while I was prepared for it. Most things were denied and the rest extenuated, and profession made that nothing did remain. If men do not speak what they do mean, but labour to dissemble, I cannot help it. God forgive them."

Postscript. I understand that Sir Thomas Fairfax has orders to prepare a regiment for Munster and to appoint officers. If you could get any employment for Reymond, it would be a charitable office to him, and a favour to myself. *Draft.* 1¾ *pp.*

MURROGH, LORD INCHIQUIN.

1646, March 29.—Assignment by Lord Inchiquin of 960*l.* with interest (upon the money to be paid out of the Excise for the forces in Munster) to John Sandiford of Liverpool, as repayment for so much advanced by him. *Copy.* ¾ *p.*

THE SAME.

1646, March 29.—A like assignment of 470*l.* with interest to Thomas Dawney, citizen of London. *Copy.* ½ *p.*

SIR PHILIP PERCIVALLE to [SIR HARDRESS WALLER?].

1646, March 30.—I fear either your letters or mine have miscarried. Pray let me know what you have received from me, and where at Bristol or in the post road I may address to you.

"I see not yet any thorough course taken for the speedy raising of the money designed for the Lord Lisle's dispatch, neither is his commission passed as yet, but almost ready; and I hear that the Scotch (upon occasion of the propositions now to be sent to the King) do much insist upon the command in chief; but 'tis thought that that will be no hindrance. Want of money is the chiefest stay." Your lady and all yours were well very lately. Your friend Lord Inchiquin hopes to see you shortly, as he is determined to be gone next week. *Draft.* 1 *p.* *Endorsed*: "To H. W."

VAL. SAV[AGE] to EDMOND SMITH,* London.

1646, April 2. [Dublin.]—Mr. T. H[ill] has gone for England, being, as I understand, sent for by Sir J. T[emple]. As I hear that he has been speaking largely of you touching Carvan, and complaining that you owe him money on the Parliament account, I send you the enclosed. "For news, I need not acquaint you (I conceive) that the Lord Ranelagh and Earl of Thomond have joined with those of the English party that stand for the Parliament here, nor of landing the forces from Kinsale in the river of Kilmarre

* Evidently meant for Sir Philip Percivall, although addressed to Smith. Compare letter of April 16, below.

and Thomond and burning and destroying the country there; nor of the putting forth of the English from Athlone Castle, and committing them to one Friar Dillon, for an intention, as 'tis said, of delivering the castle to Sir Charles Coote and his adherents. On Saturday was sevennight, a corporal of Sir John Borlase's company (being frantic) got seventeen more to his assistance (unto whom he gave groats apiece and told them he would get them rich plunder), and entered our castle with light matches, their muskets being loaden and bandalieroes all full, presently after the bridge was let down. The corporal presented his pistol at the Captain of the watch, telling him the castle was his for the King and Parliament, but missed fire, whereupon they were all taken and imprisoned, and two of them by the fortune of the dice were hanged the Monday following on a new gibbet in the castle yard. This made a great rumour in town, although no man of quality is found to have a hand in it, however I am sure it hath made a great blemish to, and suspicion of, the protestants here, insomuch that four men out of each company in town are picked to [ma]ke companies to watch in the castle."

On Saturday last [March 28] the articles for the peace* were signed (as we hear) with the proviso that they are to be confirmed in case they send ten thousand men into England before some time in May next, to which end Col. Flower, Capt. Thos. Harman, Dr. Roberts, Mr. Stoughton, Mr. Tallis and Mr. Brian Jones went towards Waterford the same day to see them mustered and shipped. Last Tuesday, Lord Digby left for Kilkenny. Your brother V. [Usher] had a son born a month ago, your man Ed[war]d (?) is married to one of the daughters of Plunkett of the Grange, and it is reported by both protestants and papists that Sir Ri. B[olton] has married Luke Nettervill's widow. Last Sunday some men came to town who had landed at Wicklow, and came from the Prince at Scilly for provisions, and (as is reported) for three hundred of my countrymen for his guard. "I procured a *ne exeat regno* against Heald, and got my Lord Ja. his licence to sue, but cannot get off his protection from the Lord Kildare." The children are well, and the younger kept to school.

Addressed: "For my very worthy friend Edmond Smith, Esq., at the Sarazen's Head in Caninge Streete, London."

Endorsed by Percivall: "Val. Sav. rec. 12 May, per John Goodwyn. Answ. 15 Sept." *Seal of arms.* 1 *p.*

Sir Philip Percivalle to Lord Br[oghill].

[1646], April 7.—I had the honour of a letter from your Lordship dated the 25th of February, and account it a happiness to live in your memory. We cannot yet get either your report or Lord Inchiquin's, which was resolved on at the same time,† and many others also stick in the birth. There is a fatality in the business

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* Printed in Rushworth and elsewhere.

† *See* Order in the Committee of Both Kingdoms, March 3rd, "To let Lord Inchiquin know that his paper is reported." Cal. S.P. Dom., 1645-7, p. 366.

of that unhappy country, everything suffering delays which in many cases are as bad as denials. My cousin Parsons had a report agreed on "ever since that time," but can get nothing effected, and yet it does not seem to be altogether by design, for some mere strangers have got theirs made within three days after they were resolved on. "It seems that providence so disposes it that we may depend upon God only, and receive our supplies immediately from His good hand, otherwise our condition that relate to that country is of all men's most miserable (no eye almost seeming to pity us). The greater is the miracle that we continue our being." From what I have heard, I should not have thought it possible for you there to have subsisted so long. I am sure you believe that the Lord Inchiquin has done his best, both for the public and for yourself, although it has not produced the fruits which perhaps you and he expected.

"I thank your lordship most humbly for sending my letter to Sir William Usher, and Mr. Myer's certificate to me. The former sent to me a trunk which was cast away off Holyhead, but went on shore, and which I am hopeful, if not spoilt by the water, will be sent on to me. "Many such straits as these we have passed, and more we are like to pass before we see those halcyon days which others find to be very near. . . . I know your Lordship cannot but hear from the western parts in how low a condition the King's party is. Many of all sorts come from him daily to compound, but what his Majesty resolves I cannot hear. The jealousies between the Scotch and others seem to heighten daily. God grant they end not in blows. From Dublin we hear but little certainty. From Ulster I understand that part of those forces have joined with those of Connaught, and gone through the most part of that province without resistance; that your brother Ranalough is at Belfast, coming hither; that he gave up his castle upon good terms. As far as I hear, what rents he received there is to be applied to the army, and he is by contract to receive the value here for his subsistence.

"The Lord Lisle's patent is expected shortly to be passed. Mr. Davis and his new partners are in hand wholly to furnish him (the citizens and adventurers being backward) which makes me often think of your major's conceit that he would (on terms of profit) undertake to build such another city as this is. It will be about midsummer (as Mr. Davis saith) before he can be ready, and which way his Lordship intends is not as yet declared, or (perhaps) resolved.

[*In different ink.*] "My Lord, since my last, I was sent for to attend the Lord President upon the business between Sir A. L. [Arthur Loftus] and me. He was pleased to acknowledge that I never did him wrong in word or deed but in not giving him a certificate, which my Lord judged I could not do. What he had done to me he said he was mistaken in, and I forget and forgive it. I would all men of that country, I mean of our side, did so, they would be much more considerable." *Draft.* 2½ *pp.*

SIR PHILIP PERCIVALLE to CAPT. JOHN HODDER.

1646, April 9.—[Mostly business details.] I have begged my Lord [Inchiquin] to allow you money for your necessary charges, and he is most willing to satisfy you as far as he can, "but alas, had you not been (as it were) by miracle preserved you had been past danger ere this, which hath grieved some and put others from going thither, that have some good affections and expectations there; and now if new differences should arise or increase here, I should have cause to doubt that God's anger would not be assuaged in our days. God avert his judgments from us and teach us to make the best use of them. You are like to have three regiments of foot more before harvest and one of horse (besides that of Col. Jephson). It were to be wished that you had means answerable, but most here are of opinion that if there were a good strength there, they would be able to maintain themselves.

"You should do well to put my Lord in mind of causing a part of each prey to be put into the store upon reasonable terms, which I moved him in, and unless that course be taken, your wants must needs the sooner approach, and the superior officers suffer blame or slander here at last." When I supplied Col. Barry, he passed a fine and records to me of Downedeady and the rest of the lands there and in Orrery, which I doubt will not yield me half my money; but Downedeady is a pretty strong place, and I would have you advise me how to make some use of it. *Draft.* 1½ *pp.*

SIR PHILIP PERCIVALLE to COL. JEPHSON.

[1646,] April 18.—Last night I waited on your lady to Mr. Speaker's, and he promised to read your letter to-day and to do you all the service he could, telling us that he did not believe the business of your regiment "stuck with any of them to your prejudice." But it so fell out that other business interposed, and so yours was put by. This being done, and a certificate of the number of your horse returned (which some think Sir Thomas Fairfax might give order for, or some committee thereabouts) and the Lord of Inchiquin being near his dispatch, it is for you to consider whether you will make a journey hither, or where Mrs. Jephson may meet you, seeing also that little remains to be done at Froile worth your journey. "I need not tell you of what the Lord of Broghill writes of the success of the thousand men sent to Dingle, who took and pillaged the town, and afterwards (as he was informed) took Bunrattie,* (the lord whereof was aboard a Parliament ship, as the Speaker told us his letter from the captain of that ship imported). The Lord of Broghill writes also of great wants of all things where he is. I suppose if wind and weather had served, you had sent him some help ere this, but without wind and weather and a fit opportunity you could not. . . . Sir Charles Coote proceeds in Connaught without resistance, and with a little addition to the northern forces it is

* Delivered by the Earl of Thomond to the Parliament forces in March, 1646.

supposed that much may be done." Mr. Davis tells me that he will have all ready for Lord Lisle's expedition by midsummer, but which way he intends, I have not heard. Some say he may safely go to Dublin with a small force. *Copy.* 1 *p.*

SIR JAMES MONTGOMERY to his cousin, SIR PHILIP PERCIVALL, London.

1646, April 14. Carrickfergus.—States that he is brought into unexpected troubles, his honour and fortunes (which depend much upon the preservation of his charge in the army) being deeply concerned. As his health will not permit him to make the journey, he sends the bearer to England, and prays Sir Philip's advice and assistance in the furtherance of his affairs. ¾ *p.*

[SIR WILLIAM USHER] to [SIR PHILIP PERCIVALL].

1646, April 14.—I hope you have received the letters and papers which I sent you by Mr. Lynn, and also by uncle. Other papers, and the clothes you asked for, I put into your trunk, but I hear that those things came to such misfortune at sea that they are much impaired. We thank you for the things which you sent by the old woman. Pray tell Mr. Bowes that my two suits have the same fault as the last; they are too wide in the waist and too narrow above. The cloak so long expected has never arrived, though many things have come from Lady Dorothy [Loftus?] to others. I shall need a new suit for it, as this one is worn out, if you can match the cloth (of which I send you a pattern). If the cloak does not come, I can wear it with the scarlet one. I have not been able to forward some other writings of yours because the ship by which they should have gone started unexpectedly, and though Dan. and Val. rowed hard after him for a league, they could not overtake him. "Val. would willingly bring them to you by Chester if he could be spared here, as he conceives perhaps he may be if there be a dissolution, or if the next prorogation (which will be in May) be for any long time," but I shall not send them that way without your approbation. This bearer, Mr. Kennedy, will bring you my watch, which needs a new spring; pray put it into some skilful hand. If I had any more knowledge of affairs here than every other looker on, I would acquaint you with it, but I protest I have not. All your friends are well, and still pray for a happy meeting. "I hope God will in his good time hear their prayers; we begin to flatter ourselves with persuasion that the time is not now far off, which God of his mercy grant. Pray present my services to sister, Aunt Phill[ips], Moll., Ally, Cousin Will. [Parsons] and his wife, and all the rest." 3 *pp.*

Endorsed by Sir Philip: "W. V. rec. per Ri. Kennedy, 12 [?8] May."

VAL. SAVAGE to SIR PHILIP PERCIVALL.

1646, April 16.—Since my last to you by Mr. Lynn, Mr. Tho.. H[ill] has gone over, and, I hear, was sent for by Sir J. T[emple]. As he has been speaking largely of you touching Carvan, and for monies which he pretends you owe him on the parliament account, I send you the enclosed [*compare letter of April 2, above*]. The children are all well, and the younger ones kept to school. Mr. N. L[oftus] is daily on his account, and is confident the knight [Sir J. Ware] will send over what he promised to take charge of. The things which I wrote to you by Serjeant Hill were being sent you by your brother [Usher] missed their passage, although D. H[utchinson] and I went four or five leagues in the sea after the ship. She had lost her main mast in the bay by foul weather, and we had delayed sending your things aboard until the last moment for fear of the Wexford rogues.

Postscript. "We hear that Mr. T. H. is stayed for some letters in Wales and is returning back without going any further." 1 *p.* *Not signed, but endorsed by Percivall*: "Val. Savage, rec. 8 May per Ri. Ken[nedy]."

Also. A second letter, same date, a repetition of part (only) of above, but also stating that the Commissioners [for mustering the men to be sent to England], after fourteen days' absence are come up from Kilkenny, but saw no men to send over, nor shipping to transport them. ½ *p.*

THOMAS WHETTELL to his master, SIR PHILIP PERCIVALL.

1646, April 18.—The tenants have stood for the next half year upon the same conditions as the last. All the corn in threshed and nearly all the oats. Forty barrels of oats is sown, and there is four acres ready to sow with barley. I have sold ten of the ewes for five pounds. A mare and a colt have been stolen, and I have bound over Bryan O'Shearaden and his son for them. Tib and Tom pays sixteen (*sic*) a year, as it did. I have sold 40 barrels of wheat for 24*l.*, forty of beare for 20*l.*, and forty of oats for 10*l.* 1 *p.* *Endorsed as*: "Rec. 12 May per Jo. Godwyn."

SIR WILLIAM PARSONS to SIR PHILIP PERCIVALL.

1646, April. [Dublin].—"This place (every day dying and now at the point) hath little whereof to write, and that I doubt not will still the expectation of my friends. Besides, this bearer will *viva voce* let you know how all things are here, so I hope you will excuse me for many lines. Your friends here do live, and that is all, and how long that will be we know not; we hope the best and that sustains us. Your cows and garrans at Castlewarning are yet safe. Your English do handsomely defend themselves; others that are not so defended are not able to live, so as we daily wither away even to nothing. God will amend it in his due time. I commend my best love and service to your lady and to Mr. Smith and his wife." 1 *p.*

Endorsed: "April, 1646. rec. 12 May per Jo. Godwyn."

SIR PHILIP PERCIVALLE to SIR WILLIAM PARSONS.

1646, April 22.—Assuring him of his affection and desire to do him any possible service, and expressing thankfulness for Sir William's health and safety, which he trusts may continue, although in human probability their condition in Ireland subjects them to much danger, from which even those elsewhere are not altogether free. *Draft.* 1 *p.*

NICHOLAS LOFTUS to his cousin, SIR PHILIP PERCIVALL.

1646, April 28.—Hopes to be in London before the end of May and will not now write any news, lest it might hinder the safe transport of his letter. Prays Sir Philip to see the enclosed letters safely delivered to Harry Aldrich, as they concern the present supply of his children's wants, occasioned by his long stay in Ireland. Has found his accounts confused and mislaid, which has caused much delay, and has warrants and vouchers in his hands upon which he has overpaid divers thousand pounds. Until better and more settled times, he has little hope of being re-imbursed, the breaking out of this horrid rebellion preventing it, and meanwhile he owes large sums of money, and is in much trouble from his creditors' suits and clamours. 1 *p.*

VAL. SAVAGE to [SIR PHILIP PERCIVALL].

1646, April 30.—I am requested to send you the enclosed, and the gentleman to whom they belong means shortly to follow himself. "Since my last by Mr. Kennedy, Sir Edmund Verney and divers others came hither from the King with some packets. All the news runs peace, and 'tis so thought for that the Lord Digby, with three hundred Irish under command of Milo Power, are gone to Scilly to fetch the Prince (as 'tis said), and the Irish the last week brought two or three thousand pounds to this city for the use of the army, some think to entice them to join with them. About a week since there was some fight in Connaught. The report is that one Saunderson and John Ormesby and some twenty more of the English are killed, but certain it is that many of the Irish were slain, for that the English put them to the old race, so that they were forced to take the Abbey of Connell for sanctuary, where they kept them in twenty-four hours, and hunger made them in the fine valiant, so that (they say) they issued out desperately and in that desperation killed those English that were killed." 1 *p.*

Endorsed: "Val. per Carpenter."

RICHARD FITZGERALD to his brother, SIR PHILIP PERCIVALL.

1646, May 4.—I pray you send me 5*l.* as I am at a pinch, and re-imburse yourself from Hodder's money when it comes in. I would gladly spend an hour a day with you "to make up this

unhappy breach between us, which hath wrought more perturbation of mind in me than all the crosses and losses I ever had, and many visits I have made to take some opportunity to renew our former amity, but had not power to begin discourse to that end, since you once expressed yourself that I dissembled with you. Be not reserved henceforth, neither be tart in reproving, nor let us look strange one upon another when we meet; it's not well that so much notice is taken of our difference. God mend what's amiss and preserve us to see better days." ¾ *p.*

SIR PHILIP PERCIVALLE to CAPT. JOHN HODDER.

1646, May 6. London.—"You have dealt much for me heretofore and fairly in better times; now I have occasion in my distresses here to make use of your friendship in your way, wherein a very friend and also a child of mine is concerned. It is in the putting off of a parcel of good ware as soon as you may, as near the rates expressed as you can. The linen cost the just sum set down, the rest is somewhat cheaper. By your means I am confident we shall have a good account of them all in money or in some kind of good commodity which that place affords." I believe some of the goods will sell better at Kinsale than at Cork, and I am confident you will have the furtherance of my Lord Inchiquin, Lord Broghill, my brother Smith and other friends if needful, and also that you may help us and yourself too by saying what you advise to be sent thither and conveyed hither or to Bristol. Direct your letters here to Mr. Thos. Alcock, at the sign of the *Cock* in Newgate Market, and in Bristol to Mr. Giles Goff. Do not let my name be spoken of unless you have occasion to use my friends. *Draft.* 1 *p.*

SIR PHILIP PERCIVALLE to his brother, RICHARD FITZGERALD.

[1646, May, before the 11th.]—I could not but wonder at your letter of last week, as you will not see that you have injured me with frivolous and unjust calumniations. I must require you as a brother and a Christian to give me the authors of these things or to acknowledge that there are none, else I shall still take it to be dissembling. My conscience tells me that I am innocent, and I am willing that any honest man should be judge whether I have injured you or you me. *Draft.* ½ *p.*

RICHARD FITZGERALD to SIR PHILIP PERCIVALL.

1646, May 11.—Maintaining that the fault of the quarrel lies with Sir Philip, but desiring to lay aside what is past and to be more intimate for the future. 1 *p.*

Endorsed by Percivall: "Bro. Fitzgerald. In his old strain of causeless jealousies, having indeed injured me."

VAL. SAVAGE to SIR PHILIP PERCIVALL.

1646, May 11.—The knight in Castle Street [Sir J. Ware] says you may expect what he has to send by a gentleman who intends to go over by the first ship of strength. Ro. Heald has put off the reference; I have chosen Mr. Doppinge and Mr. Hutchinson on your part.

"Your brother [Usher] has written something by Mr. Carpenter (who is a very civil, honest gentleman) touching me. I protest I have no other desire in it than to accommodate him who is and ever shall be" my master. 1 *p.*

Endorsed by Percivall: "Val. Sa. per Henly."

JOHN WATSON to SIR PHILIP PERCIVALL.

1646, May 22. Chester.—States that he has perused Sir John Temple's relation of the Irish Rebellion, and on looking over his own rough draft he finds that Sir John's account doth but here and there touch upon the heads whereon he himself has dilated, and even in the point of cruelties (where Sir John is largest) he presumes his own may add something. Is very sensible how partial he may be to the issue of his own brain, wherewith he has so long and with many pinching throes travailed, and therefore prays Sir Philip to interpose the clearness of his impartial judgment to decide whether his labours may not be useful and seasonable. 1 *p.*

VAL. SAVAGE to SIR PHILIP PERCIVALL.

1646, May 25.—The commissioners have met about the business of Tib and Tom, but have concluded nothing. The knight in Castle Street, after all his fair promises, refuses to pay anything except by bill of exchange, which he says is what he engaged to do. He urges other reasons, "but I think the main reason is that he is loath to part with so much money in these distempered times.

"For news, we have a cessation to the 13th of July next. Sir Charles Coote hath marched where he pleased in the counties of Galway and Roscommon without resistance. About a week since, there was a great rumour of commissioners to go hence to treat with the Scotch commissioners, but since that report is grown very calm." 1 *p.*

Endorsed: "Val. rec. 18 June."

LADY REBECCA VILLIERS to SIR PHILIP PERCIFALL.

1646, May 26. Brokesby.—Craves his pardon for not writing when she desired her cousin, Col. Roper, to take up the bond and to ask for a letter of attorney in her daughter Mary's name, whose money it is, but her discontent and misery in parting with her dear husband* made her unfit to do anything. Prays him to attend

* Rebecca [Roper], Lady Villiers, widow of Sir William Villiers of Brokesby, married as her second husband Francis Cave, esquire, who died at Brokesby in 1646.

to it. Mr. Cave had hoped to see him ere this, "but God's pleasure and these distracted times hath separated many from their intimate friends." Further entreats him for advice how to get the money from Lord Ranilow [Ranelagh], Mr. Cave having written many letters to this lord, and sent them to his lady, but never having been able to get an answer.

Addressed: "For Sir Philip Percifall, my honoured friend thes present." *Holograph.* 1 *p.*

Endorsed by Percivall: "La. Rebecca Villers, rec. 11 Junii by Col. Roper. He lodges in Lincoln's Inn, over Mr. Solicitor. Enquire at the stationer's. An assignment made hereupon, with covenants not to revoke it, to Mrs. Mary Villiers."

LADY REBECCA VILLIERS to SIR PHILIP PERCIFALL.

1646, May 26. Brokesby.—"These are to certify you that the money lent to my Lord Raniloe, for which he and his son Mr. Arthur Jones and Mr. Thos. Maule were bound to you, was the moneys of my daughter Mary's, wherein to satisfy you in discharge of her trust, she, together with her younger sister, Katherine, have subscribed their names hereunto."

Holograph. ¾ *p. Signed also by Mary and Katherine Villiers.*

SIR WILLIAM PARSONS to SIR PHILIP PERCIVALL.

1646, May 26.—"My good Philip, I begin now to think your absence very long, yet I know not how to wish you here, where nothing can please you except the sight of your friends, but I hope that will be in a due time, with more contentment. I desire much to hear how you bear up with the lord, as they say, voted to this government [*i.e.* Lord Lisle]. I should be sorry he should come away without your close redintegration with him, not so much for matter of benefit, though that is considerable, as for your contentment in your course of life, which you are yet tied to here by sundry real relations. I speak by rote, for I know nothing of your present station, but I am tender over you, as I think I have good cause, and I doubt not you will take it from my love." I commend my love and service to your best beloved. 1 *p.*

SIR PAUL DAVYS to his brother, SIR PHILIP PERCIVALL.

1646, May 26.—I employed Val to get you the exemplification of the patent. It will cost about eight or ten pounds, but that I suppose you foresaw. N. L[oftus], brother [Usher] and I conceived that Sir J. W[are] would send the money by N. L., who is now about to depart hence, but he says he did not promise to do so, but only to pay it on bills of exchange. Dan is confident that ere this Nathaniel Drinkwater and Fenton have given you satisfaction for Cos[ny] Moll[oy]. 2 *pp.*

VAL. [SAVAGE] to [SIR PHILIP PERCIVALL.]

1646, May 30.—Sends the exemplification of Sir James Craig's patent, the charge for which is 12*l.* 3*s.* 7*d.* Forgot in his last to mention that Sir Edward Butler of Grange is made Viscount Galmoy and *Custos Rotulorum* of co. Catherlagh, and that the Lord Lieutenant's mother and sisters have come to Dublin to live; viz.: the Lady of Thurles, Lady Muskery, Lady Hamilton, and the Baron of Loghma [Loughmoe] his wife. ¾ *p.*

SIR PHILIP PERCIVALLE to VAL. SAVAGE.

[1646, May.]—Received his letter of the 16th [of April] twenty-two days afterwards. [*See p.* 282.] Has heard nothing of Tho. H[ill], but if he came, would make him, and him who sent for him, appear as they are, that is, neither true nor honest. Thanks him for his care of the children, for calling on cousin N. L[oftus] and the knight for the monies, and for the letters and other things which he has sent or tried to send. *Draft.* 1 *p.*

Endorsed: "To Va. in answ. of 16 April, 1646."

SIR CHARLES COOTE, Lord President of Connaught, to SIR PHILIP PERSIVALL, at London.

1646, June 5. Bellfaste.—"I will not trouble you with the sad stories of our wants, but refer you to Sir Robert Hannay's relation thereof; but in short let me tell you that if I be not speedily relieved, all the service that hath been done will be lost, which were great prejudice to the public service. You will from other men more particularly receive information of what I have done since my coming into the kingdom, and the Lord be praised, he hath blessed my endeavours wonderfully; to him be the glory." I pray you, afford Sir Robert Hannay your best advice in my business. ¾ *p.*

Endorsed by Percivall: "Lord President of Connaught. Rec. 17 Junii."

LORD INCHIQUIN.

1646, June 22.—Letter of attorney empowering Sir Philip Percivall to receive the 2,000*l.*, with interest, due to him out of the several Ordinances of assessment for Ireland. *Signed.* 1 *p.*

Noted by Percivall: "The first 1,000*l.*, with the interest, his lordship assigned to Tho. Vincent, merchant, 27 Junii, 1646."

THE SAME.

1646, June 22.—Certificate by Lord Inchiquin in favour of Sir Philip Percivall. At the beginning of the rebellion, Sir Philip maintained a strong ward in his castle of Temple Conela, co. Cork, until, soon after the cessation, viz., in September, 1643, it was surprised by the Irish, with his horses, men and goods. He also manned, victualled and fortified his castles of Annagh and

Lyscarroll at his own charge, and garrisoned them for the King and Parliament until, in June 1645, they were gained by the rebels by means of their numerous army, but in the gaining of Annagh they lost two or three hundred men. Both these castles were frontier garrisons, on the borders of co. Limerick, and very useful on all occasions of marching and in other ways. Such of his horses, corn, cattle and sheep as could be saved from the rebels he willingly afforded for relief of the Parliament army, and has contributed much to its support both in Munster (where his servants are still very active) and in Leinster. He lost a good estate by the rebellion, and the loss of his castles has been a great addition to his sufferings. *Signed.* ¾ *p.*

Col. Wm. Jephson to Sir Philip Perseval at his house in St. Martin's Lane.

1646, June 25. Sherbourne.—Hopes there will be no need for him to come to London. Is to receive to-morrow some of the soldiers who came out of Oxford, and means to go directly towards Bristol. Prays Percivall to press Mr. Hawkins and Mr. Darrell concerning his warrant for money for raising the dragoons. If it is made out only for 250*l.* he will be much wronged, as there ought also to be a month's pay for the officers of two troops. Knows not how to apologise for the perpetual trouble which he gives Sir Philip, and still less how to requite his favours. 1 *p.*

Val. Savage to [Sir Philip Percivall].

1646, June 26.—"Since my last to you we have received all from old Bartlett save 5*l.*, which your brother U[sher] is willing to forbear awhile.

"Here is no news but what I believe you have heard already, and if you have not, the bearer will inform you the particulars, viz.: of the defeat given by Capt. Richard Coote to the Irish near Roscommon on the 1st of this instant, where your tenant Goulding was killed and four or five hundred more; and of the taking of Blarny Castle by the Lord Broghill.

On the 5th of this month, the Irish gave Major General Monroe a great overthrow at Benburb. It did pass a great while for current here that all his foot were slain and taken, being three thousand and upwards, but my Lord Folliot and Mr. Humphrey Galbraith came since to town, and report confidently there were not one thousand slain, but acknowledge the loss of the arms and baggage and most of their clothes in this battle or skirmish (I know not which to call it, for that the fight did not continue above an hour). My Lord Blany was killed, and the Lord of the Ardes and sixteen or seventeen officers more taken prisoners.

The Earl of Antrim hath two frigates of sixteen guns apiece, and there are five or six frigates more at Wexford and Waterford, which are very busy on the sea, and have lately taken one of the Parliament frigates.

I think we shall have more blows with the rebels, for every week for these three last, they either fetch cows from us or we from them."

Postscript. "About three weeks since, two of the ships that relieved Bunratty, landed some men in the county of Kerry and burnt a good part of the country." 1 *p.*

LORD BULKELEY to SIR PHILIP PERCIVALL.

[1646], June 29. Bewm[aris].—The things you entrusted to me are very safe, and shall be as carefully preserved as anything of my own. This bearer is sent expressly to petition the most noble houses of Parliament on behalf of this poor county, now under their protection. If, in such matters as concern myself, you will be pleased to put to your helping hand, I shall take it as a special act of friendship. ¾ *p.*

Endorsed by Percivall as received on July 12, 1646.

DANIEL HUTCHINSON to SIR PHILIP PERCIVALL.

1646, July 1.—Here is no alteration, only we all daily hope to hear of that long longed-for news of peace in England. [Money matters.] The three children are still with Vall., at 12*s.* per week, besides clothes and schooling. 1 *p.*

SIR JAMES MONTGOMERIE to his cousin, SIR PHILIP PERCIVALL.

1646, July 3. Belfast.—This is to give you hearty thanks for the pains which, as I learn by letters from Cornet Montgomerie, you have taken in my business, and which I must entreat you to continue "until this cloud be removed, which God, my innocency, and my good friends' help, will I hope in good time disperse."

I have asked Sir Wm. Cole to tell you what I have written to him, and though some of our friends may be "engaged in ways of preferment to my prejudice, yet I am confident you nor themselves will not think fit that they insist or accept of a fortune raised by the ruin of another friend, whatsoever the pretences or colours be . . . Certainly our condition is here so miserable already we need no further troubles, and I hope it will be thought more just and fit to encourage us than to weaken our hands."

Postscript. Sir William Stewart and his good lady and children are all in health, and so is your little servant, Willy Montgomerie. It is needless to tell you of our late great loss. "Truly I am afraid the weight of that blow is not yet found; the cloud never looked so black since this rebellion began, and if God (as hitherto he has) do not restrain the rebels from falling down amongst [us] until considerable supplies come from England, we are a lost people." 2 *pp.*

COL. WILLIAM JEPHSON to [SIR PHILIP PERCIVALL].

1646, July 3. [Long] Ashton.—Concerning his private affairs. He has left 26*l.* in his mother Dynham's hands for Mrs. Mary

Villiers, and Col. Roper says there yet remains 20*l.* for interest. The principal was 700*l.*, borrowed in 1641. *Addressed*: "For yourself." [*Probably enclosed in the letter of the 4th.*] 1 *p.*

Col. William Jephson to Sir Philip Percivall, St. Martin's Lane.

1646, July 4. Long Ashton.—"I have written at large to you in another hand of all things concerning mine own particular affairs. I must now give you a little account what we are doing in relation to the public. We now stay only for the money, and are resolved when that is come to put to sea with the Admiral though the wind be contrary, if the weather be fair, and to send our horses to stay for a wind at Mynehead. I doubt not but you know of Sir Arthur Loftus his behaviour towards my Lord Inchiquin in a public place. My Lord and I have resolved only at present to give general touches of it to my Lord Lieutenant and Mr. Pierpoint, and to desire you and Tom Bettesworth to get what proofs you can of it . . . and to send your advice in your next how my Lord should proceed in it." I pray you present my service to Sir John Clotworthy and Mr. Lisle. I would have written to them, but am forced to go down to Bristol this morning upon business. 1 *p.*

Lord Inchiquin to Sir Philip Percivall.

1646, July 4. Long Ashton.—In answer to your letter of the 1st inst., I signify to you that I well remember that after the conclusion of the treaty for the cessation made at Sigginstowne, September 15th, 1643, between Lord Ormond and the rebels, a certificate touching the grounds thereof was brought in, signed by the witnesses to the articles, and that you were then absent, and I never knew that you subscribed it. "But I well observed . . . that you had done more than could be expected from you to prevent it, and upon the place did propound many several things to cross it, which irritated the Irish very much against you. And I must testify upon all occasions that when you could do no more to prevent the cessation, you did express much grief at the concluding and consequences thereof." *Signed.* 1 *p.*

Col. Jephson to Sir Philip Percivall.

1646, July 7. Long Ashton.—I go to-morrow to Bridgewater, and so to Minehead, to make provision for the transport of our men and horses. For the clothes and arms, I think I am to take no charge of them until they come to the water-side or into Ireland, but that the articles (which I asked for in my last) will make appear. I should be very sorry if you should be engaged in any inconvenience out of your kindness to me, by way of being made accountable to the state, but I hope my discharge will be sufficient. As regards arms, clothes, &c. for the public use, no man is so fit to receive and dispose of them to me as the public

agent, for whom I send authority here enclosed. Tom Bettesworth sends me word that there is 52*l.* due to me for a quarterage of my 4*l.* per week. I have told him to pay it to you for the keeping of my children.

"Sir Garret's readiness to wait on you was the greatest courtesy he was ever yet capable of doing me. I know no particulars in your letter unanswered; I would I could as easily make a return of all your favours." 1 *p.*

Lord Inchiquin to Sir Philip Percivall.

1646, July 9. [Long] Ashton.—"I must give you many thanks for the great care you have of me at a time when I much need it, and when you suffer inconveniences and charge to yourself by it. God reward you, and make me thankful for providing such a friend for me." Of the business about Blarney, I shall add nothing but to desire you to read my letter to Lord Paget, which I send with a flying seal, and to give Will. Dobbins your advice in the management of what I have written to him. I did not expect what you mentioned of Brokett, though I looked for no other from Serle. "That which troubles me most touching that business is the print, by which means it shall be divulged without the appearance of any man's malice, and so be made a groundwork for what other aspersions they shall think fit to cast upon me, and therefore I think it of very great consequence to have it discovered whether Sir Ar[thur Loftus] was the author of it or not, and to have the fellow so dealt with as he may not be apt to do the like. Now for what you say concerning Pluncket, truly I must much admire it, and, indeed, not only his discontent with me, but also that he should expect to borrow money at all upon those terms he had it from me, which truly I think no man else in the world would have lent." As to the goods which he says Lord Broghill has taken up, if he means those wherein I am equally interested, I might well expect to have them myself in part payment of what he owes me, and that he should take it ill at my hands that Lord Broghill should take them is surely the effect of some endeavour to draw him from me, else he must see that the wrong is chiefly done to me; that concerning the interest I believe I have given him all satisfaction in reason, and for what I wrote to Sir William Brereton, I could not say less, as you will find if you see it.

"Now for Thomond, the truth of it is, I have no obligations to him at all, and there has been great suits between our families, but I protest I was so far from dealing ill with him that I did him all the good offices I durst, having heard so many speak very ill of him, and having found that they who writ letters in his favour sought his prejudice underhand, being myself also at the same time injured with false scandals, which rendered it unsafe for me to stand to justify others that were ill thought of." I protest that I never promised him anything I did not perform, excepting not coming to a committee one day when I was detained

by other business, and not sending him a letter of my Lord Broghill's. For the former, at a sub-committee, where were Sir Wm. Waller, Sir John Clotworthy, Sir John Temple, and I think Mr. Goodwin, I said as much as I could have done if a committee had sat; viz.: that I had received a letter from Lord Broghill, urging me to repay the money Lord Thomond had lent at a time of great exigency; and for the latter, I sent him by Mrs. Jephson one of the two letters which came from Lord Broghill (being both to the same purpose) and the bill of exchange which Lady Thomond wished to have, and the truth is, I lost the other. "For my lord Bryen's saying that he would justify I had broke my word in two or three things, it is said at that distance, and spoken by one that I can so easily pardon follies to, that I will forgive it, but I have written a civil letter to his father." Will Jephson is at Bridgewater, where I mean to be as soon as I have got the money, intending to go on shipboard at Minehead. The siege of Bunratty is said to be raised and those forces come on this side the Shannon. If so, we shall be hard put to it in Munster, and it will concern the State to hasten supplies thither. The Cheshire men came to consult me how to get their money, but I could only say that in any course they thought best to take I would assist them as well as I could, and, if I were in town next committee day, would meet Sir William Brereton for that purpose. But I protest to God I heard no word spoken of Plunckett, nor ever thought they meant to say anything to him about it. *Holograph.* 1½ *pp.*

Endorsed by Percivall as "received on the 19th per Capt. Trenchard."

SIR PERCY SMYTH to his brother, SIR PHILIP PERCIVALL.

1646, July 11. Cork.—I arrived safe at Youghall last Monday, after ten days at sea. Our money, although little, came very seasonably, as my Lieut.-Colonel will tell you. He is an old acquaintance of yours, so I will only ask you to give him your favour and advice "in case he encounter a committee." Lord Broghill desires that if you or Lady Ranelagh have occasion to make use of any of the 1,500*l.* you will do so, and that you will let him know how he may get the rest about Michaelmas, at which time he may chance to step over. 1 *p.*

Endorsed by Percivall: "rec. per Finch, 2 Aug."

COL. WILLIAM JEPHSON to SIR PHILIP PERCYVALL.

1646, July 12. Bridgwater.—I send you two blanks, signed, to be perfected by the Treasurers of Grocers' Hall and Haberdashers' Hall, and assure you that I shall be very careful not to involve you in any inconvenience by your favours to me. For the arrears of rents to the King, there are many of the House in the like case for greater sums, that make a shift to put it off, but unless it can be put upon some debt due to me from the state, I know no remedy but it must be paid. The Admiral

came into Minehead road last night, and to-morrow morning we go to him, but I think we should wait a day or two rather than go without Sterling's foot, which are about six hundred, and near a hundred horse, which we have amongst us. I have promised my brother Norris to ask you if you can help him to 100*l.* upon any of my orders. I am confident he will not use it but on very good occasion. 1 *p.*

Endorsed with note by Percivall that the 100*l. to Norris Jephson is paid.*

JOHN MASON.

1646, July 17.—Receipt by John Mason for ten pounds paid by Sir Philip Percivall for half a year's schooling and diet for Mr. William Brian [o] (*i.e.* up to August 9), with extras :—

Erasmus - -	6*d.*	Inkhorn - -	4*d.*
Grammar - -	12*d.*	Bows and arrows -	1*s.* 6*d.*
Paper - -	3*d.*	Tailor - -	1*s.* 6*d.*
		Total	10*l.* 5*s.* 1*d.*

Also the like for Mr. John Jephson, with 12*d.* more for the tailor, and 1*s.* 6*d.* for bows and arrows.

Total 10*l.* 2*s.* 6*d.*

Also 6*l.* 13*s.* 4*d.* for the diet of Henry Estonne and David Sachet.

Endorsed by Percivall : "Account for the schooling, &c., of Mr. Bryen and Mr. Jephson, ending 9 August, 1646, and their servants."

COL. WILLIAM JEPHSON to SIR PHILIP PERCIVALL.

1646, July 20. Cork.—We arrived here yesterday, and were welcomed with the sad news of Mr. Adams' death and the loss of Bunratty. The first is undoubtedly true; and if, as I fear, the last is so also, that army will soon be upon us and we do not know well what to do, "for should we suffer ourselves to be thrust into our garrisons, our markets will presently (and consequently we) be destroyed; on the other side, if that army be, as 'tis reported, seven or eight thousand, (whereof at least fifteen hundred horse) if we miscarry, 'twill be called rashness to venture upon them, since we can make but a thousand horse, and dare not draw above a thousand foot more out of our garrisons (for at least a thousand are mislaid about Bunratty), and shall not leave them strong enough manned. God that hath ever hitherto blessed us, will, I hope direct us to the best and prosper us in our undertakings." I pray you present my service to Lord Wharton, Lord Wenman, Mr. Pierpoint, the Solicitor, Col. Norton, Sir John Clotworthy, Mr. Lisle and Mr. Reynolds. As I am writing, the news of the loss of Bunratty is come for certain. We are to have a Council of War, and then I will tell you what we resolve.

[o] William O'Brien, son of Lord Inchiquin; John Jephson, son of Col. William Jephson.

I pray you to take out a writ for one Mr. Arthur King at my suit. He is my surgeon and has already received 79*l.* in ready money, to which you may add what you think fit as damage to the service by his not coming according to promise. We have decided at the Council of War not to hazard all in a battle, which would leave our garrisons too weakly manned, nor do we believe the enemy can march very speedily hither, as he is much shattered and tired by the sharp siege.

"My Lord Broghill is resolved speedily for England, and vows to make it appear he is still most really the President's servant *exitus acta probat.* This week we design for haymaking, to make winter provision for our horse. The next, God willing, we will abroad, and take all opportunities we can to annoy the enemy. If Sterling's men come over by that time, I believe we shall take some foot with us. I am to-morrow going to Youghall to settle the affairs of my regiment, which, to my great grief is very weak; for I have lost above a hundred of my horse, which have died like rotten sheep, and with all the noise its made, not above ten ran away."

Postscript. "I have again written earnestly to my Lord Lieutenant for his assistance in procuring my recruit of a hundred horse, whereto I earnestly desire you to press him." I fear my letters are both trouble and charge to you. The trouble I can repay with nothing but thanks, but pray put the charge upon account. 2 *pp.*

SIR PERCY SMYTH to his brother, SIR PHILIP PERCIVALL.

1646, July 20. [Cork.]—"I can now only let you know we have lost Bunratty, and that which vexeth me most, I fear on base conditions. I am sure all arms and artillery are gone, and as report goes (for our men are not yet landed) each man paid (out of Thomond gold) a month's ransom. I need not tell you how bad our condition is now like to be without present and large supplies, for according [to] the best of my judgment, they will now presently sit down before us, and most likely before Youghall, where, with God's leave, I intend to give them the best entertainment powder and lead will afford, which indeed is extreme scarce with us. If this will not quicken relief, surely God hath destined us for ruin, to whose pleasure we must all submit.

"I am (with Major General Jephson) bound for Youghall to-morrow. He is to return; I intend to stay till I see the rebels' resolution. In the mean, Beale stays here, by my Lord of Broghill, who I believe is preparing for England." 1 *p.*

LORD BULKELEY to SIR PHILIP PERCIVALL.

[1646,] July 22. Barron Hill.—I wrote to you three weeks since concerning the expediting of my affairs, "but now this gentleman, my worthy cousin, Sir Robert Eyton, being pleased to travail for me, and to solicit the noble Houses of parliament

on my behalf," I send him to you for your directions and assistance, which shall be answered by my thankful acknowledgment, if not requital. ½ *p.*

Col. Thos. Pigott to his cousin, Sir Philip Percivalle.

1646, July 24. Ashton.—I have delivered your letters to my Lord [Inchiquin], and sent Col. Jephson's by his lady, he being gone the day before to Minehead. Until my Lord and Col. Jephson appoint someone to receive their letters, I will willingly do it, for though, as you know, I am a slow scribe, I am a fast friend.

I should have written to you last week, but could not get the bill of exchange I was promised, the Excise officers taking them all. I hope, however, to get one at the end of Bristol fair, which begins to-morrow. I wonder I have not heard from my brother Gilbert. Tell my uncle Betts[worth] that I hear the ways are something clearer, and intend to adventure his stock to him suddenly. 1½ *pp.*

Col. William Jephson to Sir Philip Percivall.

1646, July 30. Cork.—When I last wrote to you we had determined that until the return of the men from Bunratty and the arrival of part of Sterling's regiment, we must not take any considerable number of foot abroad, "and thought it not good husbandry to tire out our horse in long marches to fetch in prey when we had some money to give them, being assured they would have expected the same pay if they had gotten never so great a booty. But we hope now we shall be able . . . to march out a thousand good horse and near two thousand foot, for we find our money will not last us above another fortnight, and therefore are resolved to convert a considerable part of it into biscuit and salt and endeavour to get flesh to it out of the enemy's country"; although we must be very careful how we engage this army until the rest come over. "Nothing is so likely to endanger the Parliament interest here as want of subsistence, for if we should wholly break with those Irish that supply our markets, we should instantly be undone, and yet in this time of harvest can we not amount our contribution to above a hundred pounds a week, which doth but just suffice to pay my single regiment."

I cannot see how we can hold out long if some settling course be not taken, for the merchants are so disheartened by the non-payment of their bills that they will let us have no more goods. I have had great loss among my horses, and must once more beg the Committee's speedy answer concerning a recruit.

Postscript. If the shoemaker has made my wife's shoes, I wish he could find time to make me two pair of "thin waxed boots with double soles to march Cork streets." My wife asks you to send her some sack (for she can not agree with the Cork sack), and also twelve dozen bottles. As to whether it is better to send the bottles empty or full of wine, Mr. Alexander will be a good adviser, and also in choosing the wine. 1¾ *pp.*

Col. Thomas Pigott to Sir Philip Percivalle.

1646, August 1.—I have just heard that Sir William Fenton is come to Bristol. Plu[ncket] is, I believe, already gone, and has all the letters sent last week and before. "For poor Ireland, I expect every passage thence to bring us Job's comforters. . . . I have it from a good hand that they [the Irish] are already or will be suddenly fifteen thousand strong in Munster, for you know that a little success there doubles, trebles the rebels' army, many lookers on turning gamesters then, who by their neutrality afore thought themselves safe with both sides." 1 *p.*

Thomas Maule to Sir Philip Percifell.

1646, August 6. Dublin.—" . . . Peace was proclaimed here on Saturday last, and this day the King-at-Arms goes into the province of Munster and so to the rest of the provinces. This bearer will tell you how it takes here." 1 *p.*

Val. Savage to Edmond Smith.*

1646, August 7.—Since my last to you by Mr. Harrison, I got Heald's protection revoked and was just laying him up, but your brother [Usher] took pity on him and took a bill of sale of his interest in a house which he holds of Lady Angier.

"For news, I can send you none but sad; on the 8th of the last, Roscommon was yielded up, and all the English horse seeking to relieve it were defeated, since which time Carrickdrumruske and the Boyle are yielded up, and now Preston lies before Sligoe, which (as is thought) cannot hold out long, from whence we hear that he with his forces on the one side, and Owen Roe on the other, intend to besiege Enniskillin, so that by the eye of reason, if assistance do not come suddenly into the North, all the poor Protestants there will be ruined and destroyed, for you can scarce imagine how lofty the Irish are grown, and how dejected and timorous the English and Scotch are grown since the defeat in the North, although Monroe be now in the field with a good number of men.

"Bunratty was taken by assault, the men having only quarter for their lives, so that they pay a month or two pay before release.

"Our peace was proclaimed here on the 1st of this month, and the King and the rest of the officers of arms are gone into the Irish quarters to proclaim it, by which peace our Court of Wards is gone, and some of the English here, since the peace is proclaimed, went to take possession of their estates in the Irish quarters, but were not permitted to peep into their houses. The proclamation and articles are not yet come to the press, neither can I by any means get a sight of them to copy. So soon as I can, I will send them." I think you had better send authority to Tho. Whettel to take possession of your estates in Munster,

* But endorsed by Sir Philip Percivall, and evidently meant for him.

for as by the articles the Irish are to enjoy their estates in our quarters as from Easter last, I hope our party will have the same privilege.

Postscript. "It is reported that the Irish are preparing ten or twelve thousand men to fall upon Lord Inchiquin's quarters, and that the Lord Lieutenant must go there as general. News has come to-day that the English have quitted Sligo." 2½ *pp.*

Addressed: "For my very worthy friend Edmond Smith, Esq., at the Sarazen's Head in Canninge Streete, London."

Col. Thos. Pigott to [Sir Philip Percivall].

1646, August 7. Ashton.—My brother, with Serle and other officers, have landed here to-day. "The rebels are drawing in a great body to Kilmallocke. My Lord of Inchiquin on Monday last marched out with a thousand horse and twelve hundred foot, rather to put a good face on the business than to encounter them. Sir William Fenton is going back again with Bro[ghill]. . . . I will not trouble you with further particulars of poor Ireland, but condole with you the approaching ruin of it, which this late vote confirms." 1 *p.*

Col. Thos. Pigott to Sir Philip Percivall.

1646, August 14.—I have sent your letters to Inchiquin in a cover of my own, wherein I pray him that his despatches be not so slow or so few to his friends here, who have lately slackened much in their affections. Many are more full of their own merit (which, as to the war, is but little) than of their duty or love to the cause or the person of their commander, who, however, writes that what was spoken or done to his prejudice is disavowed there, and that a noble personage, lately come over, has promised that he shall be vindicated from all jealousies and aspersions. The officers have sent over an attestation in his favour. 1 *p.*

Col. William Jephson to Sir Philip Percivall.

1646, August 17. Youghall.—I left money in the hands both of Col. Pigott and one Mr. Johnson, a merchant of Bristol, who I am sure will convey my letters, but I think the surest way will be to send them to Mr. Robert Quecke, sen., at Minehead. I fear some of our letters have miscarried, for I am very sure I have received none from you which I have not answered.

"There is so great a disproportion betwixt the prices of provisions here and at London that I am confident t'were much better husbandry for the State to give thirty per cent. for money than to send provisions out of England hither."

I have told my cousin, John Lucas, to wait upon you. He was a fellow of New College, Oxford, and had some office in the King's army, but if he have so reconciled himself with Parliament

that I may do it with safety, I desire you to pay him proportionably with my cousin Millington, according to his debt, which I think is 600*l.*

I know you hear of our condition from my Lord President. "We are now about Piltowne, where we think we can make it in our power, if the enemy advance towards us, to take or leave as we please, and we doubt not, by God's blessing, but to be masters of it and the other two castles upon the river (I mean Drommana and Cappoquin) within a few weeks, if neither the enemy nor the want of means to subsist drive us out of the field. I have had the strangest mortality amongst my horse that ever was seen. They have died like rotten sheep. . . . Out of three hundred and forty that came over, I have lost at least a hundred and fifty." My regiment is almost come to nothing, though I do my best to mount them on such garrans as this country affords. I have sent Capt. Lisle over to beg for a recruit, and told him to be guided by your advice. He will have a good interest in his kinsman, and, as a good means to effect his business, I believe will be importunate enough. I want horses rather than money, and must have them if this is to continue a regiment, though I will stick to it as long as I can keep ten men on horseback. I extremely need clothes, arms, saddles and bridles for my dragoons, especially the two last, and beg they may be sent by the speediest possible way.

Postscript. "We much desire Plunkett may have one of the frigates lately taken to serve upon this coast. I have written to Mr. Lisle to speak to the Committee of the Admiralty about it. We only desire the loan of the ship; some of his friends here will victual her, as occasion serves." 1½ *pp.*

Col. Thomas Pigott to Sir Philip Percivall.

1646, August 18.—" . . . 'Tis here in the mouths of many that what heretofore was carried underboard and masked against Inchiquin does not show his face there; but I hope it will be to the shame of the promoters of it. I am not a little afflicted that this constant easterly wind carries no comfort to poor Ireland, whose last relapse will (I more than fear) make it irrecoverable." Pray tell me whether Will Dobbins is there. 1 *p.*

Sir Percy Smyth to his brother, Sir Philip Percivall.

1646, August 18. Piltowne leaguer.—Fears that things are not right "between the two parties," [Broghill and Inchiquin?] but hopes they may come to a perfect understanding if females interpose not. Doubts "the grey mares are the best horses."

The forces have been in the field sixteen days; nothing done but the Decies preyed. Are now before Piltowne, and hope to batter this night. They are near three thousand foot and horse, but want of pay will soon lessen the numbers. 1 *p.*

MAJOR-GENERAL WM. JEPHSON to SIR PHILIP PERCIVALL.

1646, August 20. Youghall.—"Since I writ my last, we have taken Piltowne by storm, which was a very strong place, and after a serious view thereof, I much admired that it proved so feasible, for our men were first to gain a strong outwork of earth moated about, twenty foot from the bottom of the graffe, as likewise a strong walled court of at least twelve foot high, and after that another small court of equal strength with the former, before they could approach the castle; of all which, notwithstanding, they presently possessed themselves, with the loss of some men and wounding of about twenty. But when they had taken all these, they found it a very difficult task to enter the castle itself, and whilst they were endeavouring with bars of iron to force a passage, the rogues from the top of the battlements threw down stones so fast upon the heads of our men below that they hurt many of them; yet in spite of all these brushes at last they got into the lower rooms, but the rogues still defended it, and broke down the stone stairs to prevent our men from getting up to them. We therefore, finding that without much mischief it was impossible to get them down, were forced to lay powder below, and blow them and the castle up together, which we did last night. My Lord President at his first summons thereof promised them fair quarter if they would surrender it before he discharged three pieces of ordnance against it, which they refusing, were by that means afterwards (the soldiers being also incensed) deprived of all their lives, it being taken by storm; only the women and children were turned out by the rebels of their own accord."

Postscript in another hand. "Upon the peace concluded between the lord of Ormond and the rebels, there are great differences arisen amongst them, the Pope's nuncio and the clergy being much against it, and the laity for it. If our supplies of men and other necessaries so long expected arrive at us in time, we shall not doubt but to give a good account of our endeavours, but if they be delayed, it will be impossible for us to advance the interest of the State here as we desire, and therefore we are hopeful we shall have supplies by the next fair wind." 1½ *pp.* *Addressed*: "For Sir Philip Percivall, knt., at his house at the upper end of St. Martin's lane," *but the address has been crossed out, and at the top of the letter is written, in Val Savage's hand,* "A letter from Colonel William Jephson to a person of quality at Westminster." *This was probably with a view to its being printed, or copied for distribution.*

LORD INCHIQUIN to SIR PHILIP PERCIVALL.

1646, August 28. Cork.—"I must cast myself upon your good affections with an apology for my making use of another pen, at the instant when my own is engaged in addresses to my Lord Lieutenant and to some other noble personages and my good friends, whom I must court with that piece of observance, which you will, I know, excuse the want of, on the score of my real

affections to you and in consideration of the heavy pressure of the public affairs, which now lie on me with greater weight than ever, being forced, though most miserably unprovided, to betake myself into the field, where I am infinitely distracted with the management of the martial, civil and general affairs of the province, which give me much interruption in the carrying on of the war, especially in that I am constrained to take the sole care of providing means and subsistence for the soldiers, and to see both to their quartering, arming and all other manner of accomodations, having also new men, though in small numbers, frequently landed, who, coming without means generally and some without arms or clothes, put one to an immeasurable trouble to provide for and to dispose of them, these petty and inferior affairs taking so much time from me as that I find it impossible for one man to discharge them and go on with the grand business clearly and as he ought, which compels me to remit the care of sundry particulars to some persons that I fear will not be able to give so good an account of them as may be wished, of whose fault I am confident I shall bear the blame, which I doubt not will be heaped on me with advantage, it being observed unto me that the drift of attaching Grady was partly to charge me with the sending him over to fight against the Parliament, which if I now stand accountable for, I must confess my condition is very insecure, for that I must avouch the sending over Grady and many others, both English and Irish, by the King's command, at such time as I was guided by his single commands, but all of them, both Grady and the rest, were voluntaries, and such as of their own accord made suit unto me to be sent, not one man of any condition being pressed or urged by me beyond his own liking to go or stay.

"My accounts are but newly entered upon, and though there hath necessarily and unavoidably a great confusion been obtruded upon them, yet I find that what hath come to Richard Gething or John Hodder's hands will be clearly discounted for, though peradventure not in the formal way expected, yet in a clear and honest way to disburden me, and for the rest, I shall (in good time) I hope, find a way to acquit myself of all by bringing every one that did officiate in the issuing or receiving of any commodities or goods to an account, but for that I cannot take less than six weeks or two months' time, and when it is done, I may call it a work that I believe was never enjoined any man of my employment, to act a part of a general accomptant, and to answer for all the inferior ministers entrusted by me or the State.

"I know it is hoped by some that they may pick matter out of it to my disadvantage. If they do, I may boldly say it is through my misfortune, not my default, for it was our incessant necessities that forced me to desert that regular and orderly way of account which might have readily discharged me, and which was altogether inconsistent with the exigencies that we were driven to and forced to answer.

"The attestation sent hence, signed by the officers (whereof I directed you should have a copy), is, I already hear, endeavoured

to be undervalued and drawn into disesteem, with this insinuation, that the officers subscribing are a kind of flexible, inconsiderate people, that would sign anything that was speciously laid before them, and were ready to subscribe this instrument *prima facie* before it was debated, and when it contained matter of much more advantage to me, which on better consideration, they could not subscribe. It is true that in a draft of their own they had said more to my advantage than I desired, yet nothing but what was truth, yet because the instrument was the result of a motion of mine, I would not suffer anything that had too great a reflection of favour towards me to be inserted in it that might be omitted without injury to the truth. And indeed all the material exception that could be taken to it upon a second debate was, that in regard it consisted of several particulars which were not all known to all, though all was known by some, it should have such a limitation as that every one might subscribe for so much as he knew, and I think the perclose of it is of that purport.

"The news which we can give you hence is principally the Marquess of Ormond his agreement with the Irish for a peace, which hath been proclaimed in several parts of the kingdom, and in some hath received great opposition by means of the clergy, who have made the enclosed protest against it. The articles I cannot yet gain, those that have been related to me are these: that the English shall have the benefit of their churches restored unto them, reserving only some in all places for the use of the Irish; that the English shall also be restored to their estates visible, but shall expect no reparation for their losses, save where they can charge any man with their goods and make proof of their charge, and then shall they have the benefit of the common law; that a free parliament be summoned, wherein what is already agreed on must receive confirmation, and what is doubtful, explanation; that the Supreme Council yield up their power and exercise of government to the Marquess of Ormond, to whose authority from the King they are to yield obedience, without making reservation of any power to themselves. Gallwey, Clonmell and Waterford do oppose the publication of the peace, and in Limerick, the herald* coming to make proclamation of it, with the countenance of the Mayor, the clergy there persuaded the commonalty to arms, and beat off the Mayor and herald, with the loss of the Mayor's nose, who (named John Burke) is by the rabble turned out of the town, and Symon Fanning chosen in his stead. Since the turning out the Mayor, they have plundered all the protected English of the city and their minister. The Marquess is preparing to come hitherwards with all the speed he may, intending to present us the articles of peace with one hand and an army of eight thousand foot and two thousand horse with the other. If we embrace not the first we must grapple with the latter, which we shall be very ill-able to do unless some seasonable and considerable supply of men and means be sent unto us. The Irish vaunt and swear that the Marquess will be with us in four or five days, but I find it will be well nigh a fortnight before he can come down, in which interval of time I intend to be as

**See* note on p. 311.

active as I may to prejudice the rebels and to provide for our weak garrisons, wherein I shall use my utmost endeavours, and submit the success to God.

"I have now been in the field about three weeks' space, and at last am constrained to return home to our garrisons by three or four days of excessive ill weather, which hath much disheartened our men, and made their arms utterly unserviceable, there being no villages left in all the country that might shelter either our men, arms or munition from the extreme violence of the wet, so as besides the distress our men were in by it, most of Col. Sterling's men and many of our own being very ill-clad and shod, our powder and the little provisions we had with us was much spoiled, even through the carriages, and the waters everywhere so high that our men waded in many places up to the middle.

"Our horse are also extremely impaired by a strange mortality happening amongst them, especially those coming out of England, so that in this three weeks' march I have lost of the number I carried forth very near two hundred horse besides several others galled with our new saddles, lamed and made unserviceable, so as without a considerable recruit, our horse forces will grow of very small esteem.

"I have commanded a list to be given me in of your lands in Orrery, and now that that barony is come under contribution I hope to glean some small matter out of them for your use, which I shall be as industrious in as I would be for myself. I have taken a course with Mr. Vincent to furnish you with money for my occasions, and I beseech [you] to make use of any that you shall gain on my account for your own affairs (equally as for mine) when they call for it, and I hope I shall gather up something of yours here towards the re-imbursing of what you shall use there of mine.

"I am to present you with mine and my wife's affectionate service to yourself and your noble lady." *Signed.* 5 *pp.*

Endorsed by Percivall: "Lo: of Inch: rec. per All: Pig[ott] 23 Sept." *And by Sir Paul Davys*: "He desires Sir P. P. to make use of some of his Lordship's money here, and his Lordship would make use of some of Sir Philip's in Ireland."

COMMITTEE OF LORDS AND COMMONS FOR IRELAND to JOHN HODDER, Commissary at Cork.

1646, August 28. Westminster.—Desiring him to lay up in separate storehouses the arms, ammunition and victuals which they are sending to Cork by the *Nicholas* of London, William Bray master, and not to issue them "upon any occasion, or to any person whatsoever" until he receives further directions from themselves or the Lord Lieutenant. Whatever he lays out for storehouses shall be satisfied. *Signed*, R. Denbigh, Jo. Clotworthy, Jo. Temple, Greg. Norton, Tho. Challoner. *Certified copy.* ½ *p.*

COL. THOS. PIGOTT to SIR PHILIP PERCIVALL.

1646, August 29.—I have received yours of the 25th, and wish that those who profess outward cordiality would evidence it by vindicating my friend. "I am most confident that my Lord Inchiquin is so far from joining with Ormond, that, I am told from impartial hands, he entertains the noise of the peace with much sorrow, and [as] being now the likeliest way to hasten his and his party's ruin." Col. Sterling has gone over with the remainder of his men, but I have heard of no more to follow him, which grieves me not a little, except that at this instant I hear of thirty come to Brystoll. Lord Inchiquin "will soon get an attestation from the officers there to vindicate him from having any hand in the peace, besides, I daily expect to hear that he has acted to the contrary." 1 *p.*

VAL. SAVAGE to [SIR PHILIP PERCIVALL].

1646, August 31. [Dublin.]—I received yours of the 1st of May by Nicholas Wilcox, and showed Sir Ja: [Ware] as much as concerned him. He says he has set a price on his lands by Mr. N. L[oftus] and is assured Mr. Wethered is satisfied. You do not say whether you have received the 5*l.* from Sir John Clotworthy which your brother U[sher] paid. All the things left in the stable at Tib are taken away by warrant of my Lord Lieutenant. I send such of the copies of Mr. Hill's accounts as were not signed. I perceive by something to brother U[sher] that you are angry that I did not send you word what he went about, but I protest to God I could not learn it, though I often asked Dan [Hutchinson], who only told me it was matter of accounts. "For news, my Lord Clanrickard is sworn a Privy Counsellor, and is made Lieutenant-General of the army; Mr. Sall, the King's second serjeant-at-law; Sir Edward Butler of Grange and Mr. Barnewall of Turvy created viscounts. My Lord Lieutenant began his march towards Kilkenny the 28th of this month, with twelve hundred foot and two hundred horse, and at least three hundred horse volunteers. Most of the cities and boroughs in the Irish quarters protest against the peace, and will have none but my Lord Harbert's [Glamorgan's] peace, which they are now printing. We hear my Lord Inchiquin doth besiege Dungarvan, and hath taken Sir Richard Osborne's castle and himself and sons, and a great prey in the county of Waterford." I daily pray for your preservation from the hands of your enemies internal and external. *Addressed* to "Edmond Smith, esq.; at the *Saracen's Head*, Canning Street," *but written to Sir Philip.* ¾ *p.*

[SIR PAUL DAVYS] to SIR PHILIP PERCIVALL.

1646, September 3. Dublin.—Mr. Thos. Johnson will tell you how things are here. I think this place is more dangerously threatened than at any time since the 23rd of October, 1641,

"for Owin O'Neile's army is in a body at Finah in the county of Westmeath, and it is conceived will immediately advance hither. Here the best resistance we can will be made, and it is hoped we may be rescued from destruction by the access of my Lord Lieutenant with his forces from Kilkenny. However, God's will be done. All are in health at Bridge-foot."

Postscript. "Owin O'Neile's army is said to be already six thousand, and increasing daily. It is thought by that time they get hither they will be ten thousand." ¾ *p.*

[Thomas Maule] to Sir Philip Percivall.

1646, September 4. Dublin.—Things have fallen out so dangerously here that I am loathe to leave my poor wife and children, and therefore pray you to solicit Sir Robert [King] and Sir John [Clotworthy] on my behalf, I am confident the Chancellor of Scotland [Loudoun] will give his best help.

"Your old great friend and mine [Ormond] hath lost much ground since my Lord George [Digby]'s coming hither. Your friends at Limerick, when Roberts went with the proclamation to proclaim peace, the Mayor that was then accepted of it and let him, but when it came to be proclaimed, there rose such a faction against the Mayor that he was very ill hurt, and is dead since, and Roberts very ill hurt. Galway, Waterford and Washford refuse it also, for the Pope's nuncio and all that are his clergy, and Owen Roe, they all refuse it except they may have the churches and the profits to themselves. Owen Roe his army, which consists of eight thousand foot and horse, came to Finna on Tuesday last and we have intelligence that his design is here, for God knows we are not able to hold out twenty-four hours if they were but two thousand men; besides, the Wicklow men are afoot two thousand, and besides, twelve hundred of our best foot and officers and two hundred of our best horse and officers are gone with my Lord to Kilkenny this last week, and there my Lord Musgrave's [Muskery's] army is to join with them, who, they say, is five thousand. They say they will fall upon the Pope's nuncio at Waterford and Limerick, or else against my Lord of Inchiquin. The rest I leave to you.

"My Lord of Clanrickard was sworn a Privy Counsellor last week, and your friend, James Saule, made serjeant-at-law; my Lord Digby made General of the Horse. Robin Edgworth, Mrs. Edgworth's son, who was at the taking of Elfeene with my Lord Bath, is made Quarter-master General of the Horse. My Lord Digby hath raised a gallant troop of reformadoes of English and Irish.† Mile Ap Poore commands them, and they have 30*s.* a week besides their quarter paid in good pistoles." If my cousin, Sir Patrick W[emys] is with you, pray present my service to him; I am sure he will help me in anything he can. 2 *pp.*

Endorsed: "Th. M."

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* William Roberts, Ulster King at Arms. See his letter, Gilbert's *History of the Confederation*, vi. 119.

† *See* Lord Digby's letter in Carte's *Life of Ormond*, iii, 456.

The Lord Lieutenant [Lisle] to Lord Inchiquin.

1646, September 5.—"In the letters which I have lately received from your Lordship, there are some things which will require further consideration than hitherto the time hath afforded us. Concerning my answer to what your Lordship proposes for the reducing of regiments or giving new commands, I assure your Lordship that it is far from my intentions either to stretch my own authority or diminish yours, and my endeavours shall be to keep those which we have, and all others, in their just limits. And upon that ground I shall not give away any that belongs to myself, and on the other side, not having a perfect knowledge of the state of your affairs in Munster, I shall not for the present prescribe any alteration of what hath been done. My hopes are shortly to be with you." *Copy by Inchiquin's secretary, Richard Gething.* ½ *p.*

Sir Percy Smyth to his brother, [Sir Philip Percivall].

1646, September 7. Cork.—You will hear of our condition by Alex. Pigott, so I shall not trouble you with many lines. "We lay above twenty days in the field, expecting the approach of the enemy, in which time we took Piltowne by storm, put all to the sword except seven persons, and so, by the means of ill-weather and want of pay, we betook ourselves to our towns, which truly may now be in some danger, except the division betwixt the Irish and their clergy (which now is very high) continue. The Lord Marquess is now at Kilkenny, labouring to draw twelve thousand men into these parts. I am, with my wife and family, bound for Youghall, expecting a second siege, yet Bell [his wife] will go, for indeed this is no safe place, things grow so high betwixt you know what I mean. . . . God send us a joyful meeting. I believe it must be in another world." 1 *p.*

Lord Inchiquin to Sir Philip Percivall.

1646, September 8. Cork.—Begs Sir Philip to give his respects to Sir Philip Stapleton and Mr. Holles, and to say that he would have written to them, but knows that his advertisements to the House will be made public, and so will not re-iterate the same things. Also prays him to explain again how the money is to be got upon Mr. Dawny's bills of exchange, as it has slipped out of his memory, and sundry army creditors, who are to be satisfied therefrom, are very importunate about it. Alexander Pigott will relate all the news. *Signed.* 1 *p.*

Lord Inchiquin to Lord [Warwick?]

1646, September 10. Cork.—"I have enclosed what intelligences I received from my Lord of Ormond's and the Irish quarters, which are like to have a great influence upon the interest we yet hold here, for if the rebels either agree with Ormond or prevail to force their pleasure from him, we cannot be

able to make any resistance in the condition we now are in, being destitute of ammunition either for offence or defence, of provision for subsistence, and of money to acquire either, whereof yet I have not been wanting to give frequent advertisements, and as I doubt it may be the want of a good settlement there that causes the delay of sending supplies, so I much fear that the delay will occasion the loss of the Parliament's footing here, wherewith I presume to acquaint your Lordship, it being always observed that you were a perfect retainer of that noble principle, ever to prefer the public to any private interest, though it were your own. And therefore I take confidence to beg your Lordship's assistance in the obtaining of supplies to be speedily sent hither to prevent the rebels possessing of this province, whereof otherwise they are like to be absolute masters, which indeed they had been ere now in all probability if their own dissensions and differences with my lord of Ormond had not interposed, for ever since my landing here (except some small time that the Leinster army spent with their Connaught forces in reducing of that province, which is now totally theirs, as we are told) the rebels have had four armies at gaze, resolving not to employ them until they saw the effect of the treaty for peace, which, being known, is liked so ill by some, and held so fit to be embraced by others, that I hope their peace will conduce to their own destruction, as their war has done to the ruin of many poor innocent English.

"When I had written thus far, I received a letter from my Lord Digby, the copy whereof, and of my answer, I have sent to each House.* The gentleman that brought it I did not see, but he told one, with an intent that I should be made acquainted with it, that the Scots in Ireland were resolved to submit to my Lord of Ormond and the peace made by him, and that those in Scotland and England did resolve to adhere to the King against the Parliament, though he should make no peace with them, which I know would be convenient for my Lord of Ormond's and my Lord Digby's ends to have published here, in our quarters, in hope it might find credit, which I believe will be a vain expectation.

"My lord of Ormond had resolved (upon receipt of a letter from his Majesty, commanding him to make no further cessation or peace with the Irish) to draw what force he could into the field against them, and having given order for this the Tuesday before my Lord Digby came to Dublin, upon the Friday following his Lordship came thither, and a Council was presently summoned, where my Lord Digby declared† that he knew his Majesty did not intend they should observe his late letter, or any other that he should send to that purpose, to be his real intention, during the time he should be in the hands of the Scots, where (he said) he was a prisoner, but that on the contrary it was his Majesty's pleasure that they should forthwith proceed to the concluding of a peace with the Irish, and that now they should be guided by such directions as they should receive from the Queen and the Prince;

* No notice of these letters appears in the *Journals*.

† For Lord Digby's Declaration, *see* Carte's *Life of Ormond*, iii, 491.

whereupon it was presently made an order of that Board that all letters that should come from his Majesty should be accounted of as extorted from him, during the time of his restraint with the Scots. And immediately there were letters sent to Kilkenny to desire a new treaty, which produced this goodly peace. Now in my opinion it is very strange that the Scots should adhere to the King against the Parliament, and yet that he should be, notwithstanding, not only a prisoner with them, but forced to write letters in spite of his teeth, the substance whereof being to command my Lord of Ormond not to make any such peace as is now pretended they are pleased withal themselves.

"The gentleman who presents your Lordship with this letter will give your Lordship a perfect account of some other passages more to your satisfaction than I can here mention it, wherefore I am bold to desire your Lordship at your leisure to hear him, and I am confident he will tell you nothing but the truth, being an honest and a discreet person, wherefore I shall not presume to add more unto your Lordship's trouble than whilst I crave leave to subscribe myself, my Lord, your Lordship's most humble servant." *Holograph.* 2 *pp.*

Col. Thomas Pigott to Sir Philip Percivall.

1646, September 12.—I have sent your last despatches after the Vice-Admiral to Minehead. We hear from Kinsale "that my Lord Inchiquin lies with all his horse and foot upon the Blackwater, where he waits the motions of the rebels, who are in a great body between him and Killmallock. If they offer to pass the Blackwater, he is resolved to fight with them on reasonable advantages rather than lose his harvest, which he is now like to gain, but if he move, 'tis lost. He has been and is still very provident and industrious in getting hay made, of which he has already made as much as will winter a thousand horse. As 'tis not possible for him to live out of the malice and envy of some men, so I hope t'will be impossible for any to blast or stain his reputation and integrity with malicious false informations, and I am most confident that his friends there will at last cast find him worthy of their countenance and favour.

"I have just cause to fear that those you mention with many more, will too soon feel too cruel effect of the unhappy peace now made in Ireland, having lately heard thence, Lord Lambert, Lord Lowther, Sir James Ware, Lord Brabazon, Sir Henry Tichborne with others of the Council protested against it, but the Lord Chancellor made a long and learned speech for it; so did also the Lord Digby, which struck the nail in the head; but this is a discourse I hate to think and write of; I will therefore end it."

Why I do not wish you to use Mr. P[ester] to receive my Lord's letters is that he is here esteemed so great a cavalier that it would prejudice my Lord, neither do I think the seamen would carry a letter from him to my Lord without opening it.

Postscript. If you can, pray send me a copy of the articles of the Peace in Ireland. 1 *p.*

Alexander Clogie and William Domville.

1646, September 15.—Certificate by Alexander Clogie, minister of God's Word at Beely in Worcestershire, heretofore of the county town of Cavan in Ireland, and by William Domvile, now in London, heretofore preacher of God's Word at Elfin, co. Roscommon, that on their coming to Dublin, stript of all by the rebels, they were employed by Sir Philip Percivall for fifteen months as Deputy Commissaries for the receiving of bread and biscuit from several bakers. They were often in company with Mr. Thos. Hill and the rest of the bakers, and oft heard him speak well and gratefully of Sir Philip, but never to complain against him. During this time Sir Philip underwent many hazards and charges, "the soldiers' eyes being ever upon him, wheresoever or whatsoever they wanted, without seeking unto what payments or allowances he got. He was at great charges and "in perpetual care early and late" how to provide for the army, and for many months before the cessation (corn being grown scarce and dear), he issued bread to the soldiers at far less than it cost, in order to content and continue them. He expressed great discontent at the making of the cessation, and they always observed him "by his words and actions a faithful, sincere and well-affected person to the Protestant party and to the rebels an utter enemy." *Signed.* 1½ *pp.*

Captain John Hodder to Sir Philip Percivall.

1646, September 15. Cork.—Lord Inchiquin is willing to reserve to your use such of your land as is in our quarters, which pays contribution at the rate of five shillings the month each ploughland, and will be accountable to you for so much. I am sending for Capt. Reymond (who is at Youghall), to know the date of his commission to raise a company for the garrisons of Liscarroll and Aynough, and doubt not but you will be requited by my Lord. He shall also give me a certificate that they victualled so long at your charge, which my Lord will certify to Parliament, knowing no better way to get right done you. For your debts of horses of Lord Barrymore and others, he sees no way for you to obtain satisfaction. As to the tickets you write of, James Reynolds, who was commissary at the beginning of the wars, gave you and me and many others tickets for the cattle which he took, but he is long since dead, and I believe they are of little value. Your stuffs yet lie upon hand, and I fear will not be put off here.

Capt. Hosyer tells me he hopes to go to London about a month hence, when I will send you Vallentyne Savidge's and Mr. Kingston's books of issues at Moyallo and Donaghrayle, and also a cask of aqua vitæ for yourself, and one each for Mr. Ashe, Mr. Bateman, and Mr. Greene, of the best that can be made in these parts. 1 *p.*

VAL. SAVAGE to [SIR PHILIP PERCIVALL].

1646, September 15.—"In that by Mr. Clayton I signified to you that Sligo was quitted and that Preston was marching down to join with Owen Roe, after which time, upon publishing the peace, my Lord Lieutenant sent to Preston, who hath lien still ever since, and Sligo is remained thereby. This bearer, Mr. Johnson, hath copies of the Popish clergy's new propositions which he will show you, and will also signify you the narrow escape which my Lord Lieutenant and army had from the plot which the Irish had laid against him and them, which was revealed to my Lord Lieutenant by the Earl of Castlehaven. God hath in this as at all times heretofore showed His mercies towards us. God grant that we may make a right use of them, and give Him the glory.

"We are informed that the Castle of Athlone is taken for the use of the Pope's nuncio, and 'tis no wonder, when friar George Dillon's men were the greatest part of the guard. We are likewise informed that Owen Roe is advancing into our quarters in behalf of the Pope's nuncio. If so, I fear all will be lost at Castlewarninge." You have my continual prayers for the preservation of you and yours from the hands of your enemies. ½ *p. Addressed to* "Mr. Edmond Smith."

LORD INCHIQUIN to SIR PHILIP PERCIVALL.

1646, September 16. Cork.—I have only since I wrote last received your letters sent by Plunckett, as he had mislaid them. Those by Dr. Worth came safe to hand, together with those for Lady Cæsar. "I am glad Bro[ghill] pretends to be my friend, I wish he were so really, but I doubt the advices and invitations to be otherwise have prevailed," for he has got recruits for his own regiment and not for mine, though Mr. Hollis had orders from the Committee, long before my coming away, to report 2,000*l.* for both. Their inducement is that he should not vindicate the reports that I stopped means from men and not from children. I assured him I was earnestly pressed to give no means to those that were absent, and he knows that I declined to say anything but that I found "some held it not reasonable that they who had received great sums of money there should have equal with them who were in the service and had received none, and that, because I would displease neither, I did absolutely refer it them what to do, the rather for that (as I said) my own son would perhaps be remembered, if all that were absent and did nothing were paid. And as in this I did them no injury, but had them paid as others, so, on the other side, I think it no policy to seem a friend unto them, seeing that thereby I shall confirm the army here in a belief that they have given me no cause to be otherwise, and render them the more apt to believe what they shall say to my prejudice.

"For the discourtesies of ladies, I assure you they do not occasion any distance or strangeness in me, but on the other side I pay Brog[hill's] lady all the respect that can be; but the other

two have behaved themselves so as that it were base in me to seek to them, whereof Alex. [Pigott] and Sir George Blundell will tell you more. . . It is but this day that I writ unto you of one of my Lady Loftus's lies. Pray forget not to examine him (Sir George) touching the manner and matter that Mrs. Jones (that lives with her) made a discourse to him of, and tell the ladies that writ to the Lady Cæsar, that such things are practised every day, whereof my Lady Loftus gives an account at night to my Lady Brog[hill], who does not appear in anything herself. . . When I was at London, Dr. Worth would have brought me one of the intelligence writers there, to whom he advised me to speak kindly and give something, which I much disdained, but I perceive my error, for now I see he would have made me a brave servitor in one kingdom, though I remained whoring and playing the knave in another."

Postscript. Mr. Vincent will pay you another 100*l.* to my use, which I pray you to dispose of to your own. I doubt not but I shall raise money for you here to pay myself, therefore you need not be modest. I desire you to dispose of the remaining 1,000*l.* of my ordinance as you think most to my advantage, as it is all I shall have to subsist on if our wants drive us hence, "which I much fear, observing by the order and some other things that we shall be exposed to ruin rather than supplies should be sent till one come to dispose of them that may have honour thereby, which my doing service might entitle me to." *Holograph.* 2 *pp.*

[Sir William Usher to Sir Philip Percivall.]

1646, September 16.—I can give you no further account of your own affairs than formerly. The bearer, Thomas Johnson, will give you a full relation of what has happened here and of the desperateness of our condition unless help be sent us from you. "He will tell you that our Lord Lieutenant is returned home safe, and how narrowly he escaped the treacherous plots and designs of those wicked villains, who, having invited him abroad, intended to have seized on him and that small army he carried with him hence, and afterwards to have fallen on this place, which they knew could not then stand out against them, but the plot being discovered, they were prevented of their intentions by his speedy and sudden march homewards. Thus God (who continually watcheth over us) hath at this time preserved us, and hath thereby so detected and made apparent to all the world the damnable falsehood of these our bloody enemies, that those here that thought most favourably of them now speak loudest against them. They have not yet appeared in our quarters, but every day we expect them. You sufficiently understand our weakness, and withal the consequence of the place; that the King's records are here, that it is the seat of the State and therefore what disreputation to lose it, what advantage of countenance to them to gain it, &c., and therefore I doubt not but you will be forward to promote any overture that shall be made for the relief of it and the securing of it and so many of your friends from the treachery of your and our inveterate enemies. . . .

"All your friends here are in good health, and not much dismayed with the apprehension of their danger, because they see apparently that God fighteth for them, and then who can be against them. I am in haste. Commend us to all our friends, and pray for us." *Addressed to Edmond Smith.* 1½ *pp.*
Endorsed by Percivall: "W.V. rec. 7 Oct, per Th: J."

Col. Thomas Pigott to Sir Philip Percivall.

1646, September 18.—States that there are "some pieces of three regiments of foot" between his own neighbourhood and Minehead, but they are so inconsiderable that the Vice-Admiral thinks they hardly deserve a convoy. There are also a few horse, but neither they nor their officer seem to desire to go over to Ireland, besides, the people are so fearful of having to quarter them all the winter, that "if they lie above a night in a place the country rise, which has much lessened their numbers, neither are the committees or governors here apt to redress it." If Sir Philip were to come suddenly, he would find there "great cry and little wool." 1 *p.*

Sir William Parsons to Sir Philip Percivall.

1646, September 23. [Dublin.]—"My good Philip, you will be so full of Ireland by this bearer's coming to you as I shall need to say nothing, yet grief is eased by utterance, and complaining to friends (in a kind of contrariety in nature), though it grieve both parties, yet it hath certain secret relief. Truly, Sir, I am now (I thank God) in the most deplorable case that ever I was; my friends all gone, myself old and weak, no means here to maintain the place, no substance to support me; the Irish insolent and raging against us, and myself deadly hated amongst them, so as if they prevail, as doubtless without present help they will, I and mine are sure to be destroyed, howsoever others do escape. This is a sad tale. I beseech God comfort us and grant that they there may take sense of our extremities and their ensuing mischiefs, which surely will be heavy and galling if Ireland be thus lost. I commend my best love and service to your good lady, for whom, with you and the little ones, I pray heartily." 1 *p.*

Col. Thomas Pigott to Sir Philip Percivall.

1646, September 25.—Has sent the Munster despatches by Jack Jephson. This day met with Sir John Veele, who says that not six hundred men have yet gone over to Ireland, and there are very few ready to follow them. Hill has gone to Milford. Does not hear that he "scattered any words here." Has lately received a letter from Dick Gething about Will Dobbins and the money which he is to receive shortly. 1 *p.*

SIR HENRY TICHBORNE to SIR PHILIP PERSEVALL.

1646, September 27. Dublin.—Requests information concerning Major Smith's accounts for Drogheda, having (before Sir Philip was commissary) lent 100*l.* to the garrison there to buy victuals, which the Major acknowledges and has promised shall be repaid when his accounts are allowed by Parliament. ½ *p.*

[LIEUT.-COL.] ABRAHAM YARNER to SIR PHILIP PERCIVALL.

1646, September 28. Dublin.—Offers hearty thanks for the custodiam of Dreinham. Understands there are many *nigro notati calamo*, but doubts not of Sir Philip's favour or Sir Thomas Wharton's, and, however he may appear to the public by sinister informations, will ever endeavour to merit their good opinion. Needs not to inform him of the fights and fears in Dublin, nor of the villainy of the enemy, who "have now left nothing undone to give it perfection." 1 *p.*

ST[EPHEN] SMITHE to SIR PHILIP PERCIVALL.

1646, September 30. Dublin.—"This is only to inquire how you do, and to let you know withal that we have our old affections to serve you with, but not the ability, being in design already devoured by Owen Roe O'Neale, Preston and the Nuncio, who are all on their march, as we hear, to besiege us, and if some timely relief do not come, we can in ordinary reason look for no better from them than the worst that malice can put us to, being resolved of no less against us than the utter extirpation of the English, of what religion soever we be; but God is stronger than the Devil, and He, I hope, will deliver us." The day I received my patent from you I heard from Chester that my office was given to another. God of His goodness send us better times. 1 *p.*

[LORD INCHIQUIN to LORD LIEUTENANT LISLE.]

[1646, October?]—"I have received the honour of your Lordship's of the 5th of September,[o] wherein in answer to mine, desiring to receive your Lordship's pleasure concerning the disposing of places (and reducing some companies to join the soldiers to others to retrench the charge), you are pleased to say that your Lordship did not either intend to stretch your own or diminish my power, whereof indeed my Lord I made so little doubt as that to the best of my understanding I did express nothing but what might testify my desire to execute your Lordship's commands with best satisfaction to yourself in those things wherein the advancement of the state's service, as also the good and satisfaction of this army, were much concerned. And now I find your Lordship would have all things stand as they are, I shall be careful to alter nothing. But if death displace any

[o] *See* p. 312 above.

officers, it will be of absolute necessity that I place some to discharge their duty, yet I will give no commission, but a warrant for them to command the soldiers, until your Lordship's pleasure be further known." Such is the authority by which the gentlemen named in the enclosed list execute their commands. I humbly desire to know how far your Lordship approves of them. *Copy by Lord Inchiquin's secretary.* 1 *p.*

Endorsed: "L. Inchiq. to L. Lieut. about Oct. 1646."

Council of War.

1646, October 6. Cork.—"At a Council of War at Cork the 6th of October, 1646, by—

Sir William Courtney, knight, Quartermaster-General. Colonel William Kingsmill;

Lieut.-Colonels Walter Croker, Agmundesham Muschamp, George Hooper, Booker, and Cooke;

Majors Anthony Hovenden, Michael Byrne and William Knight;

Captains William Harding, John Hassett, Turner, Harte, Loftus, Harcourt, Gifford, Batten, Graham, sen., Graham, jun., Manley, Norton, and Capt.-Lieut. Stammers.

The names of the officers that were at the Council of War at Malloe, 5th October, 1646, and voted as is hereunder expressed, and were not at this Council of War:—

Sir Percie Smith, knight and Colonel;

Majors Reeves, St. Leger and Gifford (of the Horse);

Captains Love, Hinton, Dowdall, Ridgeley, Hugh Croker, and Manley."

The above mentioned officers took into their serious considerations, at both Councils of War, the condition of the army in the province, and examined the Commissary of victual, Capt. John Hodder, what provisions were in the old store, as also the paymaster what moneys he had in bank to pay the soldiers with. They found the paymaster indebted 200*l.* until some of the contribution money should come in, and that there was little more provision left in the store than would serve the soldiers for this present week, and no hope of satisfying the men on Saturday, the next pay day, unless the other store, containing the provisions lately sent over, were opened. "After much dispute, pro and con, whether they might meddle therewith, in regard of the inhibition sent over along with the said provisions to the Commissary of the victuals that he should not utter any part thereof to any persons or upon any occasion,* they understood those words in a large sense, to carry with them an extraordinary care of the preservation of them, but not an absolute restriction in case of necessity, . . . for it was certain those provisions were both intended and sent for the use of the army here, and in such an inevitable necessity as this at the present is, necessity must be before all things complied with," and therefore, as it was apparent

* *See* p. 309 above.

that if the army were not paid it could not be kept together, and that if the army were broken the interest of Parliament in the province would suffer—for the soldiers, being driven by hunger, would either run away to the Marquis of Ormond, desert the service altogether, mutiny against their commanders, or break into the store, and so waste in an hour a month's subsistence—"it was unanimously voted, none at this present contradicting (though some disagreed at the former Council of War at Malloe, hoping some other means might have been found to maintain the army a little longer) that Capt. John Hodder, the Commissary of the victuals, should, notwithstanding the said inhibition, be required, for the above reasons, to open the said new store on Friday next," sending three weeks' provision to each of the out garrisons, and paying the garrison of this city weekly out of the same; and also delivering four tons of iron to Thomas Sirquitt, smith, for repair of carriages, and making of spades, pick-axes and other tools for the army "against it is next drawn into the field." And if Capt. Hodder refuses or disobeys this order, he is to be committed to the custody of the Provost Marshal, and the keys of the stores delivered to another in his place. *Certified copy.* 3 *pp.*

[Lord Inchiquin to Sir Philip Percivall?]

[1646, October, about the 6th.]—The differences between the two factions of the rebels—the Nuncio's party and those who adhere to the peace made with the Marquis of Ormond—will probably be concluded, the latter being overawed and suppressed by the former. The Nuncio, by the power of their Convocation House, has elected a new Supreme Council, who have seized upon and committed most of the former one, as the Lords Mountgarrett and Muskery, their secretary Beling, the Lord Mountgarrett's son, Doctor Fennell and others, admitting in their stead the Lords Roche and Louth, O'Sullivan Beere and some others. Lord Glamorgan is made President of Munster and General for the Nuncio in that province. He is now making up his army to ten thousand men, with whom he is confident he can reduce the Parliament's interest there. The other two grand armies, under Preston and Owen Roe, are besieging the Castle of Catherlogh and Fort of Leax,* which they expect speedily to carry and then to march together on Dublin. This has very slender means of opposition, and not enough provision or ammunition to hold out forty-eight hours, so that the Marquis of Ormond and Lord Digby must either give it up to the Parliament or yield it to the rebels.

"And this is the catastrophe of all the transactions between his Majesty and his good subjects of Ireland. The Nuncio hath at length so far prevailed by the strength of his purse and countenance of the armies at his devotion as that now the Irish generally declare for him except those few protected people that live under contribution within our quarters, whose landlords standing also in opposition to the Nuncio," would gladly do

* Maryborough, the fort of Leix or Queen's County.

service against his party if I had power to assure them of safety to their lives and fortunes. The malice between the two parties is very great, and some of those who oppose the Nuncio have acknowleged to me that if the kingdom were under his power it would, by donative of the Pope, be bestowed on some foreign Catholic Prince. One advantage we reap by their divisions, in obtaining more frequent and certain intelligence than formerly of their proceedings, by means of which I lately prevented a meeting which Lord Glamorgan intended at Kilmallock. I drew forth about three thousand horse and foot, and marched towards the place, whereupon the assembly was broken off, and I should have fetched in some considerable prey of cattle but for the foul weather. I fired a country village where stood a strong castle, and burnt all the houses and great quantity of corn "to induce them to purchase what I must have done for my own safety. . . . They sent me an offer of a composition to be gone out of their confines (when indeed I could not have made a longer stay), and agreed to give me 1,000*l.* for one month's forbearance of their country," at the end of which time I shall make another effort to destroy them. I can do nothing without fair weather, for in our last expedition many of our men were impaired in their health, and most of them lost their shoes and had to go barefooted, and some, straggling behind where the waters had risen to an impassable height, had to be drawn over with ropes about their middles and their muskets fastened to their backs, so that altogether our men were much wearied, and unless it please God to send some very seasonable weather and good supplies, we can do little before next May; our horses also being much impaired by the last march, and especially by a strange mortality amongst them by which many of the best have died, leaving the disease yet undiscovered. *Copy.* 3¼ *pp.*

Endorsed: "About 6 Oct. 1646."

Col. William Jephson to Sir Philip Percyvall.

1646, October 9. Corke.—"In my last I gave you notice that having returned out of the field merely for want of ammunition, as soon as a ship of ammunition and victual arrived here with a restraint upon it by order of the Committee for Ireland, laying all other considerations aside we instantly marched into the county of Lymericke, the likeliest place we could pitch upon to buy a livelihood with the expense of the small stock of ammunition which we had left at our own dispose; but we had not been above twenty-four hours in the county but we were overtaken with such extremity of weather that all the brooks became in most places impassable, so that we were forced to take a composition of 1,000*l.* to retire out of that county and spare their corn for one month, which indeed we thought was well, for the weather was such as we were not able to stay abroad any longer, nor could we possibly keep the army together about Mallowe when we were returned, which we desired to do for a design into Kerrye, but

the war is not here as in England, that soldiers have houses to lie in in winter; the truth is, before we came from Mallowe (which is to me a sad spectacle) we had not one gun in five that would give fire. The differences betwixt Ormond and the Nuncio are grown to a great height. Muskerye and others of the Supreme Council are committed at Kilkenny, and Castlehaven at Dublin. This day we hear that Owen Roe hath taken the fort of Lease [Leix] and that both he and Preston (who with their armies are declared for the Nuncio) are gone to besiege Dublin. I cannot see how these things can be reconciled, for the Nuncio's party ask more than what was granted in the articles of peace, and we cannot hear but that Ormond's commission from the King (upon which he pretends to ground his agreement with them) is absolutely determined upon his conclusion of the last articles. I can say nothing to you concerning mine own business, until I hear in what condition my affairs stand. I am sure they are bad enough here, both with myself and the army, for though 'twill be thought much that we should meddle with the provisions, that and all the contribution we have will not feed the army longer than one month from this day, and what we shall do then if supplies come not out of England I profess I know not, but I cannot despair when I consider by how many unexpected providences this province hath been preserved; only I must say that to send over men and no money, is to put us wholly upon providence." I must still beg your pardon for the trouble I give you in the matter of letters. I pray you send those from my wife to Mr. Groves in Covent Garden, near the *Half Moon*.

I know you have many lands under our contribution, but I can give you no great encouragement to look after them, for Mallow "yields me but 5*l*. for these three harvest months"; yet any directions you send me, I will gladly follow. 1 *p*.

Hugh Persivall to Sir Philip Persivall.

1646, October 9. Kinsale.—Has been for three weeks engaged in the discharge of the *Nicholas*, but will now make up his accounts and send them. Finds cinnamon "a very slow commodity to put off" as the country is full of it, but has sold about twenty pounds at 4*s*. 4*d*. and 4*s*. 6*d*. a pound. Hopes Sir Philip received the runlet of usquebach which he sent by Capt. William Penn of the *Fellowship*. ½ *p*.

Col. Thomas Pigott to Sir Philip Percivalle.

1646, October 16.—[Private affairs.] When you next write, tell me "of our Irish affairs, and how Dublin stands and is inclined, and whether the Commissioners be come over. I hear that Inchiquin has lately broke the rebels' horse, and killed and taken many of them. If the news from Dublin hold, I hope they will alter their designs for Ireland from head to foot, which I am the apter to believe because of an order come lately to Sir Jo. Veele to stop all horse and foot here, designed thither. 'Twas

from the Irish Committee. I was lately told by a Mem. Dom. Com.* that the chief governor named for Ireland would be changed, to which a stander-by said Amen. Jack Parsons is here as commissary of the stores." 1 *p.*

SIR PHILIP PERCIVALLE to the LORD PRESIDENT [of Munster].

1646, October 18.—Mr. Vincent has paid 50*l.* and says that he will have more before Christmas. "He stayed long by the way. I wish he had come sooner because he could convince many reports, especially the speech in the head of the regiment of Bunratty."

Lord S[uffolk?] and lady, Lord H[olland?] and lady, Sir J. Cl[otworthy], Holl[es], Sir Philip [Stapleton] and Lord Wh[arton] commend themselves to you. Sir Thomas Wh[arton] going a commissioner, I hope you will have a ship for news or truth, if perhaps you may live so long. Dublin threatened, but some think there can be no great danger at this season; others that all's but a plot of Orm[ond]. . . Report goes that Will. Murry comes from the King with some good news. I wish it prove so.

The boys well. Dr. Bates went readily to Will. I gave him thanks only. He says he will be ready to go at any time. I dined with Capt. Cranley, Capt. Thomas, &c. They say they are your servants, and Cranly tells me that the business for your frigate will be ready shortly. Capt. Thomas goes presently. He has a very good vessel. Pl[unkett] is turned landman, I hear; very improper unless he can give Br[oghill] satisfaction. I leave all my small interests to you, and if I can get them in authority at leisure, will give you a more particular account of your businesses shortly. *Notes by Sir Philip.*

COL. WILLIAM JEPHSON to SIR PHILIP PERCYVALL.

1646, October 19.—I am sorry to hear that there is no more hope of receiving my money at Haberdashers' and Grocers' Hall. As to Noll, I will be guided by your judgment. "I intended to furnish him out a wooing to Bess Chamberlaine, which you may easily observe whether he do or no, but I perceive she is resolved to marry a Protestant but I doubt 'tis not he she means, though I believe 'tis his fault if it be not." If he only wants to spend the money, do not strain yourself to borrow it but at most pay but a part, as you think for his good and mine.

It will be better for Capt. Lisle to conduct the horse than to have a new captain. "My lord hath appointed one Capt. Fenwicke for Heapy's troop, which *re verâ* is nothing, for of twenty horse (which is the most that Heapy raised of seventy which he was bound to) there are not above two alive, and some ten garrans more; and to them a lieutenant and cornet, which I have desired the Lord Lieutenant may be joined to Ridglye, who is a weak troop and wants those officers, and that Fenwicke may have Heapy's money and an addition to complete a troop.

* Member of the House of Commons.

Our men increase and our contribution falls, now harvest is past." I hope to come to England towards the end of January, to try if I can do any good either in the public business or my own. 1 *p.*

SIR PHILIP PERCIVALLE to LADY [ORMOND].

1646, October 22.—Madam, although I have received no answer to the letter sent last year by Sir Robert King, yet being very desirous to serve you, I cannot but lay hold of this opportunity. I believe that Sir Thos. Wharton, Sir John Clotworthy and Sir Robert King have both the will and the power to serve you, if this opportunity be taken, and therefore beseech you to use all possible means that those concerned may be guided by them, seeing that their negotiation concerns not only yourselves and your posterity, "but also (which you much more value) the honour and interest of the Crown and Kingdom of England and the advantage of our religion. Herein also will be manifested to the world the falsity of the rumours unjustly raised of your hatreds of the two latter, and other as bad, if as bad may be."

I am confident that the necessity of complying will be a full justification of the action, and "as for continuance in the place, which I know has been full of troubles and vexation of mind, besides the expense of much of your own means therein, I am persuaded that it is much more safe for you to part with it on honourable terms than to keep it, for that there can be nothing more dangerous for any man than to be engaged in so eminent an employment and not to be confided in. My affection to your ladyship's person and my observation of occurrences here, and of so much as I could hear or understand of affairs there, or anywhere else, hath emboldened me to take this freedom with your ladyship, which therefore I hope your ladyship will nobly interpret as it is honestly meant, and esteem me in all conditions one that prays and desires that you may do that which is most for the glory of God, the honour and safety of the King and his kingdoms and the good of your ladyship and yours." *Copy, by Sir Philip.* 1 *p.*

Endorsed: "Per Sir Robt. Kinge."

SIR PHILIP PERCIVALLE to the MARQUIS OF ORMOND.

1646, October 23.—Concerning a debt due from the Marquis to Lord Lowther, for which Sir Philip Percivall stands bound. ½ *p. Draft by Percivall.*

Endorsed: "Touching the Lord Lother's debt, per Sir Robt. Kinge. To the Marquess of Ormond."

COL. THOMAS PIGOTT to SIR PHILIP PERCIVALLE.

1646, October 23.—Alexander is still here, for there is no ship except the Vice-Admiral's, which is waiting for Lord Broghill,

but if his Lordship does not come to-morrow, he has promised me to give Alexander a waft over. James Parsons tells me that 5,000*l.* has come to-day to Bristol, for Sir Jo. Veele to dispose of to the Lord Lieutenant's forces here, and also "a peremptory order from the Irish Committee to In[chiquin] to draw into the field with all the strength he can, though I believe his wants are as great as ever, but God direct him. . . . I beseech you by the next let me have Ormond's overtures to the Parliament and the result of them." 1 *p.*

Lord Broghill to Sir Philip Percivall.

[1646, October 24.]—Prays him to call as soon as he can, having something to communicate to him which requires haste. *Holograph.* ½ *p.*

Dated "Saturday morning" *only, but endorsed as above.*

Val. Savage to Sir Philip Percivall.

1646, October 26.—"Since my former by this bearer, the rebels have got all on the other side the Liffy save Catherlagh, and are come so near us that there is a garrison of them in Castlewarning, for William Tho[mas] seeing the Naas and some other places on fire, which was done by our own party by command, left all and came away.

"Lieutenant Purdom also was much to blame in this, for that your brother D[avys] before his 'parture' had got four or five firelocks sent thither, which Purdom (being to attend my Lord) commanded away privately.

"You will hear by this bearer of the most barbarous murder of Major Pigott and his people after quarter, and how my Lord Lieutenant lay in the field fourteen nights with all the horse, and went into the rebels' quarters, who would not come out to fight, and how the horse have been disposed of since, and how my Lord Digby, Lord Biron, Col. Barry and Dan. O'Neile are said to be at Sir Luke FitzGerald's in company with the Earl of Clanrickard, Lord Costello, Lord Taaffe and the Irish General Preston, and how our Parliament is prorogued from the 22nd of this to the 7th of the next.

"Your brother D[avys] got a warrant from my Lord to keep the stables in Bridge Street from being made a court of guard or other use of without the owner's servants' consent, which doth so vex the Lord Lamberte that he takes occasion to be revenged of the owner and his servants as much as in him lies; for my part he fined me in five shillings for not working on the trenches on Sunday morning, and sent a guard of musqueteers to collect it, which I refusing to pay or let them take goods out of the house, have almost lost an eye. . . Mr. Sall hath left the children's house, and Tib and Tom is made a court of guard and all the meadow is cut for sods." 1½ *pp.*

Endorsed by Percivall with note of contents.

SIR ERASMUS BORROWES to [SIR PHILIP PERCIVALL].

1646, October 26. Dublin.—States that having been put out of his house and his estate by Preston and Owen O'Neale, he is come to Dublin with his wife and children and has written to Lord Ardglasse to procure some employment for him from the Parliament. Prays Percivall to confer with Lord Ardglasse and Sir Robert Kinge on the matter. ½ *p.*

COL. THOS. PIGOTT to SIR PHILIP PERCIVALLE.

1646, October 30.—As Lord Broghill did not come on the 24th, I persuaded the Vice-Admiral to waft Alexander over. I expect the next return from thence will be by W. J. [Col. William Jephson]. When Broghill comes down, I shall not fail to try to settle a right understanding between them, as I know you have laboured to do, for which God reward you. Yesterday Sir William Fenton and Sir Jo. Veele dined with me. The 5,000*l.* received by Sir J. V. was to pay that part of Massie's horse that were going for Ireland, which they failing to do, the money is to be used for the horse and foot raised here for Ireland already.

Mr. Pirrie has kept your court of Burton. Jo. Par[sons] is gone to his quarters five miles off this. Sir William Fenton will not go over until Broghill comes, and seems troubled that the Vice-Admiral did not stay for him. 1 *p.*

LORD BROGHILL to SIR PHILIP PERCIVALL.

1646, November 1. Egham.—Prays Sir Philip to buy a piece of hanging for him, and to send it down in a good strong deal box, directed to Mr. Lewin's house, at the sign of the *Horseshoe* in Wynestreet, Bristol. Also desires him "to let Jack Davyes to be in no quiet," until he has bought the pipe of Canary—value twenty-eight pounds ten shillings—now at the sign of the *Dolphin* in Tower Street, which was chosen for him by Captain Moulton, and which Will. Dobbins has promised to see sent off in Captain Wyard's ship. Mr. Loftus and Mr. Davyes are to send away the moneys and provisions as soon as possible.

Postscript. Fears that his servant, Dick Dowing, who has the bill of exchange for 379*l.* received from Mr. Davyes, is lost, as he has been missing all night and there is no news of him, in which case a duplicate of the bill must be got and sent down. *Signed.* 1½ *pp.*

On the back, in Sir Philip's hand:

Laid out to Mr. Dorrell - -	6	0	0	
for hangings - - - - -	8	6	8	
for a box - - - - -	0	1	10	17*l.* 19*s.* 9*d.*
for a cord and porter - -	0	1	3	
for sack above the 25*l.* agreed -	3	10	0	

More sent. A bill of exchange for 379*l.* An order for the sack to be delivered to-morrow.

SIR PHILIP PERCIVALLE to SIR MAURICE EUSTACE.

1646, November 5.—Recommending Mr. John Davis, as a man who has industriously and effectually laboured in the furnishing of provisions for Ireland, and who is worthy of all encouragement, especially for his charity and liberality to the distressed. ⅔ *p. Copy, by Sir Philip.*

COL. THOMAS PIGOTT to SIR PHILIP PERCIVALLE.

1646, November [before the 9th].—I am glad to hear of Lord Bro[ghill's] professions, and shall not fail to prepare In[chiquin] to believe them. I do not yet hear of Bro[ghill] in this country. Sir William Fenton has gone on to Minehead. If this fair wind does not carry men and provisions to Dublin, I fear it will be lost. Waterford and Wexford swarm with Dunkirkers, so that ships of great strength will be needed to convoy anything thither. There is no return from the Vice-Admiral yet. "Present my service to your lady, and let her know that my wife was five days ago safely delivered of a brave boy, which I hope will be a leading case to her."

Postscript. Your letter this morning found me a hunting with Major-G[eneral] Skippon, who tells me he hears that all the English ships are stopped in France.

Endorsed by Sir Philip: "Rec. 9 Nov., 46." 1 *p.*

JO. DAVIES to SIR PHILIP PERCIVALL.

1646, November 9. St. Albons.—Has got so far in safety, and intends to go straight on to Chester. Prays Sir Philip to get into his own hands the 50*l.* paid to Captain Lysle, and also the 40*l.* from Mr. Bettesworth, of which 5*l.* is to be paid to Mr. Warburton and Mr. Maddar by Col. Stirling's desire. Presents his service to Lord Lowther, Sir Paul Davyes, Captain Parsons and Lady Percivall.

Endorsed: "Mr. Davys, rec. 9, ans. 10."

COL. THOMAS PIGOTT to SIR PHILIP PERCIVALLE.

1646, November 9. Bristol.—The Vice-Admiral arrived in the harbour last night, but has not yet come ashore. I have come here purposely to meet him, but the bearer of this, my little son, Hugh Smyth,* is in haste to be gone, so what packets or news the Vice-Admiral brings must be sent by post, and will be in London before this letter. He is here in time enough for my Lord Broghill, of whom I hear nothing as yet. 1 *p.*

Endorsed by Sir Philip: "By Mr. Yemons at New In back of St. Clements."

THE SAME to THE SAME.

1646, November 10.—I have spoken to Capt. Crowther, who is well affected to Lord Inchiquin, and tells me of a great design

* Son of his wife [Florence Powlett] by her first husband.

my Lord has now in hand, which hinders him from sending over W. J[ephson] till it be executed. Lieut.-Col. Booker, the bearer of this, has come over from Lord Inchiquin and is loud in his praise, vowing to be so also in London. Lord Broghill is not yet come. "Alexander writes me word that my brother Robin was slain when Mariburrow was taken. What is become of my father I cannot hear, nor how near the rebels are to Dublin. Crowther tells me that Ormond has cut off a troop of their horse." 1 *p.*

Endorsed as received per Booker.

COL. WILLIAM JEPHSON to SIR PHILIP PERCYVALL.

1646, November 10. Cork.—Recommending Capt. Brocas, who is going over to England to solicit recruits for his own troop in particular and for the regiment in general, and also to try to procure some of his arrears; he having served the Parliament ever since the beginning of the war in England. 1 *p.*

LORD BROGHILL to SIR PHILIP PERCIVALL.

1646, November 13. Bristol.—"I am just now come to this town, where I received the honour of your two letters, for which I must return you my real thanks.

"I have spoken with Sir John Veale, who has 3,000*l.* of the 5,000*l.* remaining in his hands, but he is forced to pay so many soldiers weekly that it will not last one month. I have notwithstanding written this enclosed to the Committee for Ireland (which I pray read, then seal), wherein I shall desire your furtherance, and the way I propound to myself is to get my Lord Suffolk, my Lord Willoby and such other friends of theirs to meet at the Committee on Tuesday next as may be sure to carry the business, and because speed is one of the chiefest ingredients in our affairs, the order may be sent that night away by the post, to be here this day sennight. I would have my Lord Suffolk present it and press the necessity very eagerly, which truly may but too justly be done, for I am confident if this course be not taken, or some other as effectual and speedy, that province will be irrecoverably lost. If they cannot obtain the whole, let them get what they can. I beseech you, as you tender the good of Munster, be very earnest in this. . . I pray, assure my Lord Suffolk that what he shall do in this, I will esteem it more than done to my particular, by the same reason that I value my private less than the public. If you can think on some other way more probable than this, I pray follow it." I thank you for your favour about the hangings, and pray you to excuse me to Lord Cork and Lord and Lady Ranelagh for not writing now. I will greet them by Major Kem[e].

Postscript. If I could get but 4,000*l.* I would go over with it. "I have written to Mr. Spencer at Angel Court to see what he can do about procuring some money upon the Excise, he having a great power with the chief men of that office. I pray, tell Mr. Loftus so much from me." *Holograph.* 3 *pp.*

COL. THOMAS PIGOTT to SIR PHILIP PERCIVALLE, at Capt. Wm. Parsons' house in Martin's Lane.

1646, November 13.—"Yours of the 10th I received, and am glad your Lady is safely delivered, which my wife doth likewise congratulate. Sir William Parsons and Sir Adam Loftus came to Bristol yesternight, and report the condition of Dublin (which they left on Sunday last) to be very sad and desperate, for the greatest part of the rebels then lay near Sir William's house, three miles from Dublin, under Owen Roe, and Preston was expected out of Meath to lie on the other side of it. They report it to be now better victualled than ever and are confident that if a thousand horse and foot land there in time with a little money, that it will be preserved. Ormond will then (tis said) turn out the Irish, which he now only keeps there to maintain his men. Since Captain Crowther came there is another come out of Munster which only says that the Lord Inchiquin is gone abroad as strong as he can make himself. Since my last to you by little Hugh, my son, I writ to you by Lieut. [Col.] Booker, who I believe has given you a particular account of Munster; the cruel massacre of my father [Major Pigott] and younger brother I believe you have heard. The Lord grant me and mine patience to bear it. . . . I daily expect my mother over." Lord Broghill is come. 1 *p.*

SIR PHILIP PERCIVALLE to SIR WILLIAM PARSONS, at Bristol.

1646, November 17.—"As I am extremely grieved to the heart for the dangers which enforced you to remove in the evening of your days, so I am glad of your safe arrival after a tedious voyage. I wrote you many letters which came not to your hands; some were intercepted, some are at Chester, and some are now gone over with the Commissioners, who went to sea with their men on Thursday last, and (as my letters from Chester by Saturday's post tells me) they were conceived to have made a passage to the Bay, where I am more than confident they will find much want of your assistance. Sir, I shall think myself happy if I may serve you in any thing, as I stand many ways obliged to it. If you stay there, I will wait on you as soon as I may, if you do not, I shall attend your commands.

"Methinks you should be sent many thanks, strong invitations, and assurances of reward (as I have been bold to say). I wish you both may find things answerable to your expectations if you come without any such. I thank God for my own part I have found very great encouragements from many honest worthy men and as much baseness from some hypocrites as could be. God reward them accordingly. F[enton] P[arsons] tells me that if you would embrace the Cha[ncellor] of the Dutc[hy's] place, you may. . . . My humble service unto you and every one of yours, Sir Adam and his lady and all theirs." *Copy.* ½ *p.*

COL. THOMAS PIGOTT to SIR PHILIP PERCIVALLE.

1646, November 20.—"The sad story of my father's death I received from Sir Adam Loftus, and he from my mother, to whom

I hope God will proportion her patience to her affliction, and grant that we make good use of it. I fear 'tis but the prologue to the rest of the poor protestants there. It much moderates my grief and sorrow that he died in a good cause, and left a good favour behind him. I pray God give me grace to look and submit to His pleasure, as in this, so in all the past and to come afflictions and sufferings of my friends there, for I do not see the end of them." I believe by next Tuesday all the foot here will be ready to go for Dublin, if the wind serves.

"Sir Adam Loftus tells [me] that Or[mond] intends to turn out all the Papists out of Dublin if but two thousand land there; both he and Sir William P[arsons] speak very honourably of him and that he is resolved to see the worst of danger in the city rather than put himself into the Castle and leave his fellow sufferers without it." The Vice-Admiral only stayed one night in the harbour of Cork, and then hurried back, fearing that Broghill might be waiting for him. 2 *pp.*

COL. WILLIAM JEPHSON to SIR PHILIP PERCEVALLE.

1646, November 20. Cork.—As regards my recruits and the accommodation for my dragoons, I do not mean to trouble you or the Committee or myself any more. If they resolve to let all the charge they have been at come to nothing, I shall leave it to them. I know nothing that I have left undone except coming over myself, which I fear I shall be forced to do at last. Concerning my aunt Clerke's goods, my wife desires you to give my cousin Millington satisfaction for about forty shillings worth of them, which we lost. Concerning my cousin John Lucas, I formerly wrote and still desire that if he has made his peace with Parliament, he may have such proportion of his interest as my estate will bear, and as I allow his sisters. We are in great want here, but I hope for supplies by Lord Broghill, who is daily expected. "He will be very welcome and kindly used, but certainly you know too much to think him fit to be made a bosom friend any more. We have now frosty weather and are going abroad. The particular designs you have from the Pr[esident]. I do not find myself of any great use here, nor do I think I can do much there," but certainly I cannot leave until Broghill comes, as there is no other chief officer of horse. I may come over towards the end of January. I leave the business of the ship, as I do all my business, wholly to you. I am sorry to hear that things stick so at the Committee, but if I were there it would be impossible to get any order for money likely to take effect sooner than that for 6,000*l.* to come by Lord Broghill, with which we shall make a shift to rub on until spring. The murrain has run through the other regiments too, so that unless we have a good recruit, I believe we shall not have above five hundred horses next year. I meant to write more at large, but my Lord P[resident] (who has been with me) tells me that he has done so, therefore I shall save myself the labour and you the trouble. 1 *p.*

Postscript on the back. "My wife is in great fear that her baby-clouts will not come time enough. Remember me kindly to Tom Bettesworth. I had writ to him, but that I believed he was not in London."

LORD INCHIQUIN to LORD LIEUTENANT [LISLE]

1646, November 20. Cork.—"Within a very few days after the departure hence of Lieut.-Col. Booker, our stores of provisions were down to a very low ebb, and our means of supportation exhausted, to the misery whereof it was an extraordinary addition that the extreme and unusual foulness of the weather did utterly disable us to stir out of our garrisons according as we had designed, either to advantage ourselves or to annoy the rebels, whereof those countries which were under our contribution beyond the Blackwater took such an advantage as to disappoint us of our small revenue there, by means whereof we had been exposed to a very great and dangerous extremity, if it had not pleased the Lord that by the arrival of two vessels from the Charibda Islands, laden with tobaccos (whose customs and excise will produce well-nigh 2,000*l.*) we have been furnished with some kind of subsistance for the time past, which will be extended to some fourteen days longer, and then, without a like casual providence, or the arrival of some supplies thence, our danger of destruction will be the same as formerly. At present it hath pleased God to afford us some few days of fair weather, upon which we are now drawing forth into the field to make incursions into those several parts where we have been treacherously dealt withal, and where we shall endeavour as well to prejudice the rebels as to advantage ourselves all we may. But our want of provisions (if the weather should continue fair) would disable us either to sit down before any place of consequence, or to keep abroad for any such time as to perform considerable services. I shall therefore humbly desire your Lordship to move the Committee effectually for the settlement of such a course for the supportation of this army as that it may not be so frequently as heretofore driven unto such deep exigencies as that nothing but accidents of a transcendent and unexpected nature could preserve us, to which end I desire that some constant course may be prescribed to furnish us with a competent proportion of wheat, which may keep a good quantity of biscuit still in the stores, other provisions being to be had at reasonable rates for money in our markets so long as necessity shall not compel us to destroy them, but if once our excessive wants drive the soldier to seize on the cattle or other goods of the contributors under us that come to our markets, nothing then but absolute miracle or continual supplies thence with all sorts of provisions can possibly rescue us from ruin.

"I yet hear not any assurance of the Commissioners being landed at Dublin, though I do hope and believe them to be there. But the raising of forces by the lords of Clanrickard, Dillon, and

Taaffe on the behalf of the Marquis of Ormond against the Nuncio's faction makes me apprehend some fear that thereby an occasion of some differences may be administered betwixt the Marquis and the Commissioners. I have lately received intelligence that a considerable sum of money is arrived unto the Nuncio at Waterford, whereof he hath issued a proportion to the Lord Glamorgan, who hath delivered the same out to several colonels and other officers that are now very much busied and active in the raising of men, and have designed by the spring to have the most considerable army of the kingdom in this province. In the interim, as the weather and means will admit, I shall not fail to prosecute the service that is feasible upon them, and am most confident that if I were supplied with such necessary supplyments as without which no considerable design can be effected, I should be able, before the completing of their army, to take in several of their frontier towns, as Dungarvan and Clonmell, for the enabling of me whereunto it will be necessary that our horse forces here be recruited, there being at least three parts of four impaired of our best horses by a late strange mortality, so that I profess unto your Lordship I cannot now draw forth above three hundred serviceable horses, and those that do remain will suddenly be brought to nothing without some reasonable addition by way of recruit, which I humbly beseech your lordship to forward towards us with your favour and assistance.

"Upon the present occasion of drawing forth into the field I am necessitated to supply some vacant commands, which by the cashiering of former officers and otherwise are fallen void, which I have only done *de bene esse*, until your Lordship's pleasure be therein known, and have made choice of those here that I think best able to secure the State and most likely to be acceptable to your Lordship. And because it is probable that some who have fallen under the censure of a Council of War may hope that their relation to Sir Arthur Loftus may be a ground to raise a supposition upon, that the prosecution of them was pursued with greater violence and partiality than their actions did demerit, I desire your Lordship may understand that the several proceedings against them are upon record at a Court Martial, which I hope proceeded by no other rules than those of justice and honour, and I am confident that if your Lordship please to command a review of them, the persons adjudged will be found to have merited greater severity than hath been exercised on them. Yet if their misdemeanours had not been accompanied with circumstances destructive to the public, which they do exceedingly postpone to their private malice, I should have foreborne as much as without danger to the State's service I might to have rendered it at all penal unto them, but in passing by their present practices to draw the affairs of this province into a general disorder, I should have been as injurious to the public as these men would have been to me."

Copy. 3 *pp.*

Endorsed by Percivall: "Lo. President of Munster to L. L. delivered 7 Dec."

SIR WILLIAM PARSONS to SIR PHILIP PERCIVALL.

1646, November 21.—" My good Philip, I thank you for your letters. I find thereby the continuance or rather increase of your love, which now is comfortable to me. Touching the matter of Broghill and Inchiquin, whereof you write mystically, I heard of it before, but I find Broghill resolved to run an even course, and not to give advantage to the envious. I was glad to hear it. For your suffering by hypocrites I will say nothing till I see you, which I hope shall be shortly. If you speak again with Fenton, I pray you bid him busy his thoughts about the office you writ of.* I would think myself well there, though I hear it is of no great value by the year. Commend me to all my friends and excuse my not writing to them, because I am coming." 1 *p.*

[VAL. SAVAGE to SIR PHILIP PERCIVALL.]

1646, November 21.—" I received two of yours, of the 23rd and 24th of October last, and do most humbly thank you for the good opinion you hold of me; I pray God enable me to deserve [it]. This is in haste to let you understand that we are all like to perish here, for that my Lord Lieut. [Ormond] and these Commissioners cannot agree, for that he denies to part from the sword without his Majesty's licence, and for excuse of his former proposition says we were all in great fear, for that the enemy was then advancing and that his Majesty would be better content he should deliver it to the English than to the Irish, one of which must then of necessity have been, which necessity is since removed, says he, by the rebels marching away from us, which was since these soldiers were in the harbour, and at the solicitation of the Lords Clanrickard, Digby, Biron, Taaffe, Barnwall, &c. But, Sir, be pleased I tell you that the *Falcon* frigate came in about a month since (as 'tis said) with letters from France, my Lord Biron from the Isle of Man, and Col. [George] Vane and Sir Kellam (*sic*) Digby's son are lately come from France, having landed in the Irish quarters, as I take it by several passages, which I fear to be the causes of their disagreement.

" Touching Sir Ja. [Ware] I can say nothing but that he will not part with the money, but says he will give Mr. Loftus authority to sell for less than he formerly propounded, which he says Mr. Wetherall doth by his letters desire. Touching T. H[ill] (who hath been here almost two months), I will observe your directions to these gentlemen. I have set Thos. W[hettel?] to tipple with him and to sound him afar off, but he is very close to him, and for my part, I have hardly bid him the time of day since his coming over.

" Touching the fine you write for, I cannot yet get it, for that they were all confusedly put into the castle, and 'tis most certain Liscarrol had been burnt but for Tom Barry, which makes me

* See p. 330 above.

believe it is in the other's possession, as you are told. Ballemount is burnt by the rebels, and the rest of that gentleman's and Sir Adam's estate (Rathfarnam excepted) was burnt by ourselves.

"By Capt. Willoughby you may expect a suit of hangings and two trunks, which are directed to Sir Thos. W[harton]. The copies of the affidavits sent are all that are found entered in the Clerk of the Council's book, and touching Ro. Heald, as times are yet, nothing is fit to be done.

"There is a strong rumour of some new blind peace, as by my former note by Mr. John Harrison to you I suspected. I pray you therefore be pleased to direct me as God shall enable you, and that the rather for that all your estate here doth yield nothing by the year, but is a charge to you. That which T. H[ill] hath, no man will be so mad as to give as he doth [ask?] at present; if things prove any better, your directions shall be followed. Thus with my prayers for the preservation of you and yours from the hands of your enemies, I remain your servant in all humbleness."

Postscript. I fear 'twill be very dangerous for me to write thither ere long, wherefore I pray you direct some course.

"The House of Commons sent a message this day to the Lords to desire them to join in a message to my Lord Lieut. [Ormond] to desire him that the Parliament should not be prorogued, but adjourned for some small time, whereby they might give their assistance for settling the distempers, which, after the question put, was voted they should join (note, it was opposed by the Lord Archbishop and Bishop of Ossory), and afterwards the Bishop of Clogher was joined with two of the Commons and sent to my Lord Lieutenant with the sense of both Houses, who gave both Houses thanks for putting him in mind of it, and seemed to be very willing to condescend to the motion, but desired that the House of Peers should be dissolved into a Grand Committee, and that the Lord Chancellor should be sent to him, which accordingly was done, and afterwards his Lordship brought word that my Lord Lieutenant had altered his resolution of adjourning, but would prorogue to a shorter time, which accordingly was done.

"Note that the Earl of Roscommon came into the House, after that the message was sent, and that the Lord Chancellor whispered him in the ear, who went presently to my Lord the shorter way (who was then at dinner), before the message was delivered him. Sir, you will wonder why I make this long relation, which is to show you that some men, for their private ends, have kept off the agreement with those gentlemen that were sent hither, which, if the Houses had been permitted to sit, they conceived they would not be able to do in this distracted time; the most part of the protestants being for the landing and entertaining these men.

"Young Netterville and his wife, which is Preston's daughter, live at Corduffe." $1\frac{3}{4}$ *pp.*

Addressed to "Edmond Smith, Esq., at the *Sarazen's Head* in Canning Street."

Sir Maurice Eustace to John Davies.

1646, November 24.—"The treaty hath not had that success which all good men did hope and pray for; the want of the King's direction to warrant the giving up of the sword, &c., was the main obstruction, without which it was unanimously conceived by the whole Council, whose advice my Lord Lieutenant took along with him in the whole course of the treaty, that his Lordship could not part with it. There were likewise some things to be undertaken for the security of the subject, as that the papists who were not in rebellion should be secured in their estates, and some other particulars, to which the instructions of the Commissioners did not extend; the particulars whereof will appear by the papers which passed on the treaty, which are dispatched by the Commissioners to the Parliament. Upon this rock all our hopes are split. God of His mercy look upon us and preserve the innocent in this deluge of destruction which is like to be poured out upon this kingdom. The soldiers are to be shipped again, and as I do hear, to be sent to Carrickfergus, so as it is in vain, for anything yet appearing, for your servant to make any stay here, for as the turn of things is like to be, there is no provision which can or will be made here, which I fear will deprive me of the happiness of seeing you." 1 *p.*

The Same to the Same.

1646, November 26.—"Being with Sir John Clotworthy this morning to take my leave of him, he told me that he was dispatching a letter unto you for your stay from coming hither, and that you should direct your course to Carr[ickfergus] the soldiers being to be sent to those parts. This sudden and unexpected turn hath occasioned many sad hearts in Dublin and in other parts. I pray you, when you come thither, to write unto me. All your friends here do rejoice to hear the good you do to the distressed Protestants who go from hence. Sir Philip Percivall and Geo. Rouden [Rawdon] have written to me particularly thereof, which I showed to all your friends, and did to my Lord Lieutenant himself. I pray you to show what friendship you can to my father-in-law, who goeth away with the shipping." *Copy by Davies, on the back of the preceding letter.* ½ *p.*

Jo. Davies to Sir Philip Percivall.

[1646, November.]—"You will perceive by these letters he never answers me to any purpose. I am resolved to write to him no more. I conceive him false." He made much of my man, and said he would meet me any time, on notice, half way between Dublin and Carrickfergus. When I come into Ulster, I may do so. "He believeth (as I understand by my man) that none of worth or ability doth preach in London." *On the same sheet.* ½ *p.*

Endorsed by Percivall: "Sir Mau. Eustace to Jack Davys. J. D. to me. rec.: 7 Dec."

CIRCULAR OF THE COMMISSION.

HISTORICAL MANUSCRIPTS COMMISSION.

PUBLIC RECORD OFFICE,
CHANCERY LANE,
LONDON, W.C.

HIS MAJESTY THE KING has been pleased to ratify and confirm the terms of the Commission issued by Her late Majesty, appointing certain Commissioners to ascertain what unpublished MSS. are extant in the collections of private persons and in institutions which are calculated to throw light upon subjects connected with the Civil, Ecclesiastical, Literary, or Scientific History of this country; and to appoint certain additional Commissioners for the same purposes. The present Commissioners are:—

Sir R. Henn Collins, Master of the Rolls; the Marquess of Ripon, K.G., the Earl of Crawford, K.T., the Earl of Rosebery, K.G., the Earl of Dartmouth, Lord Edmond Fitzmaurice, M.P., Lord Alverstone, G.C.M.G., Lord Hawkesbury, Lord Lindley, Lord Stanmore, G.C.M.G., Sir Edward Fry, Mr. John Morley, O.M., M.P., Sir H. C. Maxwell-Lyte, K.C.B., and Prof. C. H. Firth, LL.D.

The Commissioners think it probable that you may feel an interest in this object, and be willing to assist in the attainment of it; and with that view they desire to lay before you an outline of the course which they usually follow.

If any nobleman or gentleman express his willingness to submit any unprinted book, or collection of documents in his possession or custody, to the Commissioners, they will cause an inspection to be made by some competent person, and should the MSS. appear to come within the scope of their enquiry, the owner will be asked to consent to the publication of copies or abstracts of them in the reports of the Commission, which are presented to Parliament every Session.

To avoid any possible apprehension that the examination of papers by the Commissioners may extend to title-deeds or other documents of present legal value, positive instructions are given to every person who inspects MSS. on their behalf that nothing relating to the titles of existing owners is to be divulged, and

that if in the course of his work any modern title-deeds or papers of a private character chance to come before him, they are to be instantly put aside, and are not to be examined or calendared under any pretence whatever.

The object of the Commission is the discovery of unpublished historical and literary materials, and in all their proceedings the Commissioners will direct their attention to that object exclusively.

In practice it has been found more satisfactory, when the collection of manuscripts is a large one, for the inspector to make a selection therefrom at the place of deposit and to obtain the owner's consent to remove the selected papers to the Public Record Office in London or in Dublin, or to the General Register House in Edinburgh, where they can be more fully dealt with, and where they are preserved with the same care as if they formed part of the muniments of the realm, during the term of their examination. Among the numerous owners of MSS. who have allowed their family papers of historical interest to be temporarily removed from their muniment rooms and lent to the Commissioners to facilitate the preparation of a report may be named :—His Majesty the King, the Duke of Rutland, the Duke of Portland, the Marquess of Salisbury, the Marquess Townshend, the Marquess of Ailesbury, the Marquess of Bath, the Earl of Dartmouth, the Earl of Carlisle, the Earl of Egmont, the Earl of Lindsey, the Earl of Ancaster, the Earl of Lonsdale, Lord Braye, Lord Hothfield, Lord Kenyon, Mrs. Stopford Sackville, the Right Hon. F. J. Savile Foljambe, Sir George Wombwell, Mr. le Fleming, of Rydal, Mr. Leyborne Popham, of Littlecote, and Mr. Fortescue, of Dropmore.

The cost of inspections, reports, and calendars, and the conveyance of documents, will be defrayed at the public expense, without any charge to the owners.

The Commissioners will also, if so requested, give their advice as to the best means of repairing and preserving any interesting papers or MSS. which may be in a state of decay.

The Commissioners will feel much obliged if you will communicate to them the names of any gentlemen who may be able and willing to assist in obtaining the objects for which this Commission has been issued.

R. A. ROBERTS, *Secretary.*

HISTORICAL MANUSCRIPTS COMMISSION.

REPORTS OF THE ROYAL COMMISSIONERS APPOINTED TO INQUIRE WHAT PAPERS AND MANUSCRIPTS BELONGING TO PRIVATE FAMILIES AND INSTITUTIONS ARE EXTANT WHICH WOULD BE OF UTILITY IN THE ILLUSTRATION OF HISTORY, CONSTITUTIONAL LAW, SCIENCE, AND GENERAL LITERATURE.

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				s. d.
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Date.	—	Size.	Sessional No.	Price.
				s. d.
1873	FOURTH REPORT. PART II. INDEX - -	f'cap	[C. 857 i.]	2 6
1876	FIFTH REPORT, WITH APPENDIX. PART I. - Contents:— ENGLAND. House of Lords; Oxford and Cambridge Colleges; Dean and Chapter of Canterbury; Rye, Lydd, and other Corporations. Duke of Sutherland, Marquis of Lansdowne, Reginald Cholmondeley, Esq., &c. SCOTLAND. Earl of Aberdeen, &c.	,,	[C.1432]	7 0
,,	DITTO. PART II. INDEX - - -	,,	[C.1432 i.]	3 6
1877	SIXTH REPORT, WITH APPENDIX. PART I. - Contents:— ENGLAND. House of Lords: Oxford and Cambridge Colleges; Lambeth Palace; Black Book of the Archdeacon of Canterbury; Bridport, Wallingford, and other Corporations; Lord Leconfield, Sir Reginald Graham, Sir Henry Ingilby, &c. SCOTLAND. Duke of Argyll, Earl of Moray, &c. IRELAND. Marquis of Ormonde.	,,	[C.1745]	8 6
(Reprinted 1893.)	DITTO. PART II. INDEX - - -	,,	[C.2102]	1 10
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